

December 7, 2010
City Commission Room, 700 N. Jefferson, Junction City KS 66441

Mayor Mike Rhodes
Vice Mayor Ken Talley
Commissioner Terry Heldstab
Commissioner Scott Johnson
Commissioner Jack Taylor
City Manager Gerry Vernon
City Attorney Catherine Logan
City Clerk Tyler Ficken

1. **7:00 P.M. - CALL TO ORDER**

- a. Moment of Silence.
- b. Pledge of Allegiance

2. **PUBLIC COMMENT:** The Commission requests that comments be limited to a maximum of five minutes for each person.

3. **CONSENT AGENDA:** All items listed are considered to be routine by the City Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event the item will be removed from consent status and considered in its normal sequence on the agenda.

- a. The consideration and approval of **Appropriation Ordinance A-23-2010** dated November 9th to December 1st 2010 in the amount of \$1,050,816.60.
- b. Approval of the **November 16, 2010** City Commission Meeting Minutes; approval of the October 22, 2010 City Commission Meeting Minutes; Approval of the November 15, 2010 City Commission Meeting Minutes.
- c. Monthly Reports:
 - 1. Water Department Report
 - 2. Police Department Report
- d. The consideration and approval of Payroll #22 and #23 for the month of November 2010.
- e. The consideration and approval for Self-Help Housing to purchase a 20' tilt trailer for \$5,514.00 with their grant funds.
- f. The consideration and approval of amendment to Self-Help Technical Assistance Grant Agreement.

- g. The consideration and approval to set the Municipal Court Judge's salary.
- h. The consideration and approval of Policy Resolution PR-11-01 for proposed pay grades with minimum wages and maximum wages for each grade.

4. **APPOINTMENTS:**

5. **SPECIAL PRESENTATIONS:**

- a. Mark of Excellence Awards presentation.

6. **PUBLIC HEARINGS:**

7. **UNFINISHED BUSINESS:**

- a. The consideration and approval of **Ordinance G-1086** to allow for the sale of fireworks within the corporate city limits of Junction City (Final Reading). **Gerry Vernon Presenting**
- b. The consideration and approval of Ordinance **G-1083** adopting recommendation of the Junction City/Geary County MPC to amend the Junction City Zoning Regulations (Final Reading). **David Yearout Presenting**
- c. The consideration and approval of Ordinance **G-1084** amending the Title V, Building and Construction, Chapter 585, Day Care Inspection Code of the Municipal Code by amending the definition of "Family Day Care Home" (Final Reading). **David Yearout Presenting**
- d. The consideration and approval of **Ordinance S-3088** a request to rezone the property at 107 South Franklin Street filed by Gary Junghans, owner, and Auto Craft, Inc., contract buyer (Final Reading). **David Yearout Presenting**

8. **NEW BUSINESS:**

- a. The consideration of condemnation of the structure at 305 N. Madison. **Mark Karmann Presenting**
- b. The consideration and approval of Ordinance **G-1091** to amend section 100.040 of the municipal code PUBLIC RECORDS – ACCESS TO AND COPYING (first reading). **Tyler Ficken Presenting**
- c. The consideration and approval of Ordinance **G-1093** to allow a building permit to be issued when all real property taxes and special assessment payments against the property have been paid in full (first reading). **Gerry Vernon Presenting**
- d. The consideration and approval to set a public hearing date for 2010 Budget Amendments. **Cheryl Beatty Presenting**

- e. The consideration and approval of Ordinance **G-1089** an update to Water Utility Code (first reading). **Cheryl Beatty Presenting**
- f. The consideration and approval of Ordinance **G-1090** an update to Wastewater Utility code (first reading). **Cheryl Beatty Presenting**
- g. The consideration and approval of Ordinance **G-1087** adopting by reference a new Title V, Building and Construction, of the Municipal Code of the city of Junction City by establishing Title V as a separately prepared document that includes the adoption of the 2006 International Building Codes (first reading). **David Yearout Presenting**
- h. The consideration and approval of **G-1092** amending title II of the City Code concerning the adoption by reference of the 2006 International Fire Code and the NFPA 101 Fire Prevention Code (first reading). **David Yearout Presenting**
- i. The consideration and approval of request of Kaw Valley Engineering, agent, on behalf of Ernest Baszak, owner, for rezoning of Lot 24, a replat of Michael's Run, located at the northwest corner of McFarland Road and Caroline Avenue, from "CSR" Service Commercial Restricted to "PDD" Planned Development District to allow redevelopment of the property into a duplex residential neighborhood. **David Yearout Presenting.**

9. **COMMISSIONER COMMENTS:**

10. **STAFF COMMENTS:**

11. **EXECUTIVE SESSION:**

12. **ADJOURNMENT:**

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City of Junction City

City Commission

Agenda Memo

December 7th 2010

From: Cynthia Sinkler, Water Billing and Accounts Payable Manager
To: City Commissioners
Subject: Appropriations –A-23 2010

Background: Attached is listing of the Appropriations for Nov 9th-Dec 1 2010

Appropriations –Nov 9th-Dec 1st 2010 \$1,050,816.60

For consideration and approval for EFT payment:

Veolia Water	\$623,235.60
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For consideration and approval for utility payment:

Centurylink	\$4512.29
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DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
-DEPARTMENTAL	GENERAL FUND	ALL AMERICAN ADMINISTRATORS (LOYAL AME	CANCER PLAN	619.62
			CANCER PLAN	619.62
		FAMILY SUPPORT PAYMENT CENTER (MISSOURI	MACSS #41061331/ CV103-753	154.85
			INTERNAL REVENUE SERVICE	24,331.96
		ING LIFE INSURANCE & ANNUITY COMPANY	FICA WITHHOLDING	3,580.73
			MEDICARE WITHHOLDING	3,120.78
		AMERICAN UNITED LIFE INSURANCE COMPANY	ING	2,596.58
			AMERICAN UNITED LIFE	725.91
		BLUE CROSS BLUE SHIELD OF KS	AMERICAN UNITED LIFE	725.91
			BLUE CROSS BLUE SHIELD	743.02
		JUNCTION CITY FIREFIGHTERS AID ASSOCIATION	BLUE CROSS BLUE SHIELD	634.63
			BLUE CROSS BLUE SHIELD	1,411.44
		CONTINENTAL AMERICAN INSURANCE COMPANY	BLUE CROSS BLUE SHIELD	787.23
			BLUE CROSS BLUE SHIELD	832.61
		CITY OF JUNCTION CITY	BLUE CROSS BLUE SHIELD	575.05
			BLUE CROSS BLUE SHIELD	418.88
		KANSAS PAYMENT CENTER	CAIC	138.93
			CAIC	138.93
		COLONIAL SUPPLEMENTAL INSURANCE	CITY OF JUNCTION CITY (G-F	21.50
			CITY OF JUNCTION CITY (G-F	16.50
		DELTA DENTAL (PAYROLL)	KANSAS PAYMENT CENTER	624.53
			COLONIAL INSURANCE	46.21
		FIREMEN'S RELIEF ASSOCIATION	COLONIAL INSURANCE	46.21
			COLONIAL INSURANCE	11.50
		INTRUST BANK	COLONIAL INSURANCE	11.50
			DELTA DENTAL OF KANSAS	671.90
		JUNCTION CITY FIRE FIGHTERS ASSOCIATION	DELTA DENTAL OF KANSAS	671.90
			FIREMANS RELIEF	291.60
		JUNCTION CITY POLICE	SAVINGS BOND	71.87
			SAVINGS BOND	71.87
		KANSAS DEPT OF REVENUE	I.A.F.F. LOCAL 3309	945.00
			JCPOA	710.00
		KANSAS PUBLIC EMPLOYEES	STATE WITHHOLDING	10,120.82
			KPERS #1	1,824.47
		POLICE & FIREMEN'S	KP&F	12,271.54
			KPERS #2	632.26
		INTRUST BANK	POLICE & FIRE INSURANCE	1,156.96
			POLICE & FIRE INSURANCE	1,156.17
		AMERICAN FAMILY LIFE ASSURANCE COMPANY	FIRST STATE BANK	2,265.34
			AFLAC	1,120.08
		ROLLING MEADOWS GOLF COURSE	AFLAC	1,119.29
			ROLLING MEADOWS GOLF COURSE	37.50
		UNITED WAY OF JUNCTION CITY-GEARY COUN	UNITED WAY	261.53
			TOTAL:	78,447.23
ERAL FUND	GENERAL FUND	BEN KITCHENS PAINTING CO	RFND-2422 MOCKINGBIRD=2010	101.41
			ADMIN-PW/SAN/WTF/WAT-OCT 1	6,427.55
		GEARY COUNTY PUBLIC WORKS	OVERPAYMENT OF .60 SEPT 10	0.60
			TOTAL:	6,528.36
ORMATION SYSTEMS	GENERAL FUND	VERIZON WIRELESS	2231334-SPARE 5	27.16
			7852104115 EVDO GVP K9	40.01
			7852109906 EVDO GVP CHIEF	40.11
			IS Director	53.27
			IS Specialist	53.27

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		TELEPLUS SOLUTIONS	Eliminate Taxes - NexTech	11.49
			Eliminate Taxes - Cox Bill	4.63
			Restrict 3rd Party 238-899	19.97
			Eliminate Taxes - NexTech	11.49
			Eliminate Taxes - Cox Bill	4.63
			Restrict 3rd Party 238-899	19.93
		CENTURY UNITED COMPANIES, INC	Copier - Fire Station 2	36.00
		NEX-TECH	INFORMATION SYSTEMS	4.94
		INCODE	Web Publishing Fees	200.00
			Web - Court Inquiry	100.00
		CARD CENTER	12th St Internet Connectio	199.00
			Fire #2 Internet Connectio	124.95
			Channel 3 Digital Music	34.73
			Spin City - Internet	59.95
			GESO - Jail Kitchen Printe	162.21
			WALMART-ROUTER SWITCH	26.87
			TOTAL:	1,180.29
INISTRATION	GENERAL FUND	ING LIFE INSURANCE & ANNUITY COMPANY	ING	334.62
		BLUE CROSS BLUE SHIELD OF KS	A.BALLARD-DEC 2010 COBRA	1,171.51
		VERIZON WIRELESS	210-7021=CITY CLERK	53.77
			210-7187=FINANCE DIRECTOR	53.27
			223-7047=PUBLIC SERVICE DI	55.77
			223-7779=CITY MANAGER	58.27
			DIFF OWED-NOV 2010	0.01
		TELEPLUS SOLUTIONS	CK1 Txt MSG 223-7396	2.48
			Cancel Line RNA - 238-1092	20.78
			CK1 Txt MSG 223-7396	2.48
			Cancel Line RNA - 238-1092	20.78
		STAPLES ADVANTAGE	FOLDERS/TONER/ENVELOPES	53.02
		OFFICE DEPOT	10 CASE OF PAPER	139.90
		INTRUST BANK	SAFE DEPOSIT-2011	65.00
		GEARY COUNTY APPRAISER	2010-NEIGHBORHOOD REVITAL.	100.00
			2010-NEIGHBORHOOD REVITAL.	100.00
		SECURITY SOLUTIONS INC	ALARM CITY CLERK OFFICE	18.00
		KANSAS SUPREME COURT LAW LIBRARY	SUBSCRIPTION	260.00
		MILITARY AFFAIRS COUNCIL	AUSA ANNUAL MEETING	393.10
			BREAKFAST-HELDSTAB,VERNON	20.00
		MONTGOMERY COMMUNICATIONS INC	INVITATION TO BID	56.13
			G-1082 ANIMAL ORDINANCE	175.83
			3RD QTR REPORT	231.40
		NEX-TECH	ADMINISTRATION	22.69
			ADMINISTRATIVE SERVICES	4.94
		POSTMASTER	PERMIT 167-AUGUST 2010	185.00
		CARD CENTER	DILLONS-PIZZA	3.25
			PIZZA HUT-WATER	57.00
			2010 W-2 AND 1099 FORMS	176.67
			PRIME TIEM TRUCK-FUEL	15.02
			CLARION INN SUITES-MTL ROO	390.90
		CHAMBER OF COMMERCE	1/2 JUNCTION FUNCTION EVT	120.00
		LATHROP AND GAGE	BRENDA GENTRY	138.06
			GEN LABOR&EMPL-OCT 31 2010	1,326.91
			BROOKE INVESTMENT HOLDING.	1,568.00
			UNIVERSITY NB VS CRAFT BUI	147.00
			BRENDA GENTRY	147.00
			GEN BUS MATTERS-OCT 31 201	2,361.53

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		WEST PAYMENT CENTER	QUINLAN ZONING BULLETIN	198.96
			OCT1 2010-OCT 31 2010	<u>171.42</u>
			TOTAL:	10,420.47
LDING MAINTENANCE	GENERAL FUND	HOME LUMBER CO.	HSH#4-SPRAY PT/HANDRL/BRAC	<u>62.29</u>
			TOTAL:	62.29
KS	GENERAL FUND	VERIZON WIRELESS	209-0933=PARKS WORKER	0.00
			209-1306=PARKS WORKER	0.00
			210-7130=PARKS WORKER	32.93
			210-7131=PARKS/REC DIRECTO	53.52
			223-1324=PARKS WORKER	32.97
		TELEPLUS SOLUTIONS	Cancel 3 Way Calling 238-1	2.63
			Cancel 3 Way Calling 238-1	2.63
		DAVE'S ELECTRIC, INC.	CHRISTMAS LIGHTS	820.80
			HERITAGE PARK BATHROOM	104.00
		GEARY COUNTY PUBLIC WORKS	PARKS-UNLEADED	519.65
			PARKS-DIESEL	44.21
			PARKS-FUEL CHARGE-230GAL@.	11.50
		NEX-TECH	PARKS	2.06
		CARD CENTER	REKEY OFFICE-SPIN CITY	5.29
			PLUMBING SUPPLIES-SPIN CIT	3.75
			REPLACE TRUSS HAMMOND PARK	39.94
			GRAFFITI-SERTOMA PARK	15.98
			RESUPPLY 1ST AID KIT-NATER	38.23
			WINTERIZE PARKS RESTROOMS	51.87
			BATTERY CHARGER	109.17
			LIGHT BULBS-PARKS SHELTER	35.70
			BOLTS-REPAIR HAMMOND SHEL	10.64
			LUMBER-REPAIR HAMMOND SHEL	17.12
		SAM'S CLUB	ODO BAN	149.02
			CREDIT DUE TO CHARGE OF TA	<u>13.14</u>
			TOTAL:	2,090.47
MMING POOL	GENERAL FUND	SECURITY SOLUTIONS INC	ALARM CITY POOL-1017 W 5TH	15.00
		CARD CENTER	Pool - Internet Connection	<u>59.95</u>
			TOTAL:	74.95
PORT	GENERAL FUND	KANSAS DEPT OF HEALTH AND ENVIRONMENT	2011 AST ANNUAL REG RENEWA	20.00
		CENTRAL NATIONAL BANK	AIRPORT LOAN PMT PRINCIPAL	44,738.93
			AIRPORT LOAN PMT INTEREST	8,263.30
		CARD CENTER	Airport - Internet Connect	<u>59.95</u>
			TOTAL:	53,082.18
ULANCE	GENERAL FUND	ZOLL MEDICAL CORPORATION	DEFIB BATTERY	380.00
		JEREMY SUTTON	2010 UNIFORM ALLOWANCE	100.00
		JACOB BLANCHETTE	2010 UNIFORM ALLOWANCE	99.99
		SPRADLING, TIMOTHY	2010 UNIFORM ALLOWANCE	100.00
		BOUNDTREE MEDICAL, LLC	MEDICAL SUPPLIES	376.32
		VERIZON WIRELESS	223-1040 (E20)	0.00
			223-1237 (M3)	0.00
			223-1238 (M4)	0.00
			223-1240 (M2)	7.06
			223-1243 (M1)	0.00
			223-7309 (CHIEF STEINFORT)	0.00
		TRAVIS BERGES	2010 UNIFORM ALLOWANCE	100.00

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		TERRY BOHANAN	2010 UNIFORM ALLOWANCE	98.50
		OFFICE DEPOT	5 CASE OF PAPER	69.95
		DEREK CHRISTIAN	2010 UNIFORM ALLOWANCE	85.00
		KA-COMM	REPAIR RADIO	15.00
			SERVICE CONTRACT/MAINT AMB	173.50
			REPAIR/REPLACE POWER SUPPL	201.50
		BRIEANNA HARTRUM	2010 UNIFORM ALLOWANCE	100.00
		GREGG BERGMAN	2010 UNIFORM ALLOWANCE	100.00
		GEARY COUNTY PUBLIC WORKS	DIESEL FUEL - AMBULANCE	1,283.54
		VERNON L JOHNSON	2010 UNIFORM ALLOWANCE	71.00
		KRIS BRUZINA	2010 UNIFORM ALLOWANCE	100.00
		KENT VOSBURG	2010 UNIFORM ALLOWANCE	69.87
		MOORE MEDICAL LLC	MEDICAL SUPPLIES	165.35
			MEDICAL SUPPLIES	69.99
		RANDY NABUS	2010 UNIFORM ALLOWANCE	100.00
		NEX-TECH	AMBULANCE	21.70
		OMNI BILLING	OCT 2010 AMBULANCE BILLING	3,070.92
		SHADD SNYDER	2010 UNIFORM ALLOWANCE	98.00
		BERNARD SCHROEDER	2010 UNIFORM ALLOWANCE	100.00
		BILLY THOMAS	2010 UNIFORM ALLOWANCE	100.00
		CARD CENTER	OREILLY/MED UNIT PART	1.99
			AUTOZONE/WIPER BLADES	15.98
			AIRGAS/MEDICAL OXYGEN	30.44
			AIRGAS/MEDICAL OXYGEN	65.56
			AIRGAS/MEDICAL OXYGEN	65.08
			AIRGAS/MEDICAL OXYGEN	49.97
			TO HAAS/VALVE STEM EXTENSI	10.86
			KOLLING/ALS MEDICATIONS	106.29
			WALMART/LAUNDRY DETERGENT	23.84
			OREILLY/WIPER BLADES	26.56
			S&W/MEDICAL SUPPLIES	170.67
			YOURAUTO/AIRBAG LIGHT ON M	55.00
		MATTHEW RAUB	2010 UNIFORM ALLOWANCE	<u>100.00</u>
			TOTAL:	7,979.43
NTY/INS ZONING SVCS GENERAL FUND		VERIZON WIRELESS	Zoning Administrator	53.27
		MONTGOMERY COMMUNICATIONS INC	S-3086 REZONE GOOD SAMARIT	135.21
			S-3087 REZONE WEBSTER PINE	98.88
			PUBLIC HEARING ZONING	71.09
		NEX-TECH	ZONING/COUNTY INSPECTION	<u>4.93</u>
			TOTAL:	363.38
INEERING	GENERAL FUND	VERIZON WIRELESS	Engineering Assistant	53.27
		GEARY COUNTY PUBLIC WORKS	ENG OCT 2010	36.75
			FUEL SURCHARGE	0.75
		CARD CENTER	Kansas Mappers Conf - Hote	<u>100.84</u>
			TOTAL:	191.61
ES ENFORCEMENT	GENERAL FUND	VERIZON WIRELESS	Public Works Secretary	53.27
			Senior Inspector	63.53
			Inspector	53.27
		OFFICE DEPOT	3 CASE OF PAPER	41.97
		GEARY COUNTY PUBLIC WORKS	726- Sort 1	99.96
			726- Sort 2	46.06
			720 - Sort 1	145.78
			720 - Sort 2	72.28

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			FUEL SURCHARGE	7.43
		KEY OFFICE EQUIPMENT	STAMP -FOR DEPOSIT ONLY-IN	33.50
		MONTGOMERY COMMUNICATIONS INC	G-1081 CODES	177.96
			NOTICE OF PUBLIC HEARING CO	62.54
			PUBLIC HEARING -CODES	64.68
			NOTICE OF PUBLIC HEARING	68.95
		NEX-TECH	CODE ENFORCEMENT	12.35
		PEARSON EXCAVATING	DEMO OF 316 W 15TH ST	3,095.00
		CARD CENTER	JIM'S 66- OIL CHANGE FOR 7	57.65
			TOTAL:	4,156.18
ICE	GENERAL FUND	JORDI D HESTER	2010 EQUIPMENT ALLOWANCE	164.57
		DAN BRECI	2010 EQUIPMENT ALLOWANCE	197.23
		VERIZON WIRELESS	2091250-Vacant	3.61-
			2091817-DTF	3.61-
			2231035-Patrol Lieutenant	32.93
			2231036-Patrol Sergeant	32.93
			2231038-Chief Secretary	53.27
			2231219-DTF Sergeant	53.77
			2231328-K-9	41.43
			2231330-Patrol Captain	53.27
			2231335-Chief Brown	55.52
			2231336-Inv Lieutenant	38.46
			2231350-DTF	3.61-
			2231355-Edgar	38.40
			2237219-City of JC	54.02
			22372210-DTF	3.61-
			7615777-DTF	53.52
			7616016-DTF Lieutenant	53.27
			7616047-SO DTF	54.52
			2090086-ACO	32.95
			7852106278 EVDO UNIT 208	40.01
			7852106445 EVDO UNIT 210	40.01
			7852107935 EVDO UNIT 204	40.01
			7852109907 EVDO UNIT 223	40.01
			7852233202 EVDO UNIT 212	40.01
			7852233255 DVDO UNIT 206	40.01
			7852233327 EVDO UNIT 216	40.01
			7852233398 EVDO UNIT 202	40.01
		BUD'S WRECKER SERVICE	60847 TOWING FEES 10-12543	65.00
		TELEPLUS SOLUTIONS	Cancel Line RNA 762-2987	10.72
			Cancel Line RNA 762-2987	10.72
			Cancel Line RNA 238-4272	10.97
			Cancel Line RNA 238-4272	10.97
			Cancel Line RNA 238-4288	10.97
			Cancel Line RNA - 238-4288	10.97
			Cancel Line RNA - 762-8664	11.03
			Cancel Line RNA - 762-8664	11.02
			Billing Credit 762-4966	63.40
			Billing Credit 762-4966	63.35
			Cancel Line RNA 762-2987	10.72
			Cancel Line RNA 762-2987	10.72
			Cancel Line RNA 238-4272	10.97
			Cancel Line RNA 238-4272	10.97
			Cancel Line RNA 238-4288	10.97
			Cancel Line RNA - 238-4288	10.97

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			Cancel Line RNA - 762-8664	11.03
			Cancel Line RNA - 762-8664	11.02
		STAPLES ADVANTAGE	PAPER TOWELS	135.74
		KA-COMM	92407 DATA BACKBONE SYSTEM	150.00
			92407 DATA BACKBONE SYSTEM	150.00
			92672 EARPIECE CORDS	61.12
			SERVICE CONTRACT/MAINT POL	188.50
			SERVICE CONTRACT/MAINT POL	188.50
			92840 RADAR UNIT 216	48.00
		FOXY'S BODY SHOP	2707 UNIT 223 LEFT 1/4 PAN	517.50
		GEARY COUNTY PUBLIC WORKS	PD FUEL OCTOBER 2010	6,151.39
		TELVENT DTN	3229454 WEATHER RADAR	96.00
		KANSAS PEACE OFFICERS	2011 KPOA DUES	675.00
		NEX-TECH	POLICE	70.43
			DISPATCH	70.43
		THE PRINTERY	20971 PD LETTERHEAD	225.00
		CARD CENTER	ACTION TARGET-FIRARM TRNG-	100.00
			BENNIGANS-INT & INT TRNG-A	10.53
			KUM&GO-INT&INT TRNG-ARNOLD	38.94
			EZGO-INT/INT TRNG-ARNOLD	20.00
			DASH-LAB GLOVES	224.70
			ULINE-LAB STORAGE FILE/BAG	367.73
			SIRCHIE-COLLECT TUBE/FILTR	269.55
			WALMART-DOG TREATS, BAGS	30.44
			1156 J&R-LOF, TIRE ROTATE	71.84
			1157 J&R-LOF, TIRE ROTATE	80.52
			1155 J&R-LOF,TIRE ROTATE 9	80.52
			1152 J&R-LOF,TIRE ROT 03 W	60.87
			1151 J&R-DISC ROTR,LOF RAN	123.79
			1146 J&R-LOF, TIRE ROT 99	71.71
			1147 J&R-LOF,TIRE ROT TOYO	78.03
			City - Fiber Internet	1,500.00
			ORAP166560-MICROV BELT #21	34.28
			ORAP 169822 OIL	35.88
			ORAP170222 CAPSULE-UNIT223	7.98
			ORAP170403 MICROV BELT #22	12.50
			ORAP 170429 GEAR OIL #223	27.87
			ORAP173630 DISC PAD SET #2	37.05
			ORAP173630 DISC PAD SET #2	19.00-
			ORAP176097 CERAMIC PADS #2	39.79
			ORAP176097 CERAMIC PADS #2	39.79-
			ORAP177023 STOPLIGHT #214	10.45-
			ORAP177023 STOPLIGHT #214	10.45
			ORAP 178306 BALL JOINTS #2	102.62
			ORAP 178306 BALL JOINTS #2	51.31-
			ORAP184029 WHEEL NUT #250	2.03
			ORAP185438 MET PAD SET	33.44-
			ORAP185438 ALTERNATOR #223	25.00-
			ORAP185280 CTRL ARM KIT #2	287.36
			ORAP185545 LAMPS UNIT 216	8.66
			ORAP186543 CTRL ARM KIT #2	287.36-
			ORAP UNDERPAYMENT	0.41-
			1133 J&R TIGHTN BTTY CABLE	3.45
			1110 J&R LOF, TIRE ROTATE	60.87
			1115 J&R-BRAKESHOE,LOF #20	125.78
			1117J&R-LOF,TIRE ROT #202	70.84

ARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			1119J&R LOF,TIRE ROT #206	70.70
			1118 J&R-BRAKE SHOE,LOF #2	125.78
			1120 J&R-LOF, TIRE ROT #20	81.67
			1121 J&R-BRAKES, LOF, #210	567.24
			1123 J&R-LOF UNIT 200	42.42
			1122 J&R-LOF, TIRE ROTATE	67.73
			1127J&R-LOF,TIRE ROT #219	60.87
			1128J&R-LOF, TIRE ROT #218	60.87
			1132J&R-LOF,TIRE ROT #250	60.87
			1143J&R-CONTROL ARM #223	478.86
			1138J&R-BRAKES, LOF, #248	123.79
			1137J&R-BRAKES,LOF #246	194.42
			1136J&R-LOF,TIRE ROT #244	62.86
			1135J&R-ALTERNATOR, LOF #2	103.72
			ALAMO-ACTN TARGET TRNG HES	15.07
			WOOD OIL-ACTN TRGT TRNG-HE	33.00
			WENDYS-ACTN TRGT TRNG-HEST	7.53
			COMFORTINN-ACT TRGT TRNG-H	158.63
			STAPLES-FILE FOLDERS,MARKE	7.21
			95111 CPL - UNIFORM CLEANI	22.20
			95167 CPL - UNIFORM CLEANI	11.10
			95194 CPL - UNIFORM CLEANI	5.55
			95171 CPL - UNIFORM CLEANI	12.95
			95225 CPL - UNIFORM CLEANI	59.20
			95218 CPL - UNIFORM CLEANI	35.15
			95248 CPL - UNIFORM CLEANI	3.70
			95401 CPL - UNIFORM CLEANI	66.60
			95409 CPL - UNIFORM CLEANI	20.35
			95414 CPL - UNIFORM CLEANI	42.55
			95417 CPL - UNIFORM CLEANI	11.10
			95404 CPL - UNIFORM CLEANI	12.95
			95451 CPL - UNIFORM CLEANI	31.45
			95450 CPL - UNIFORM CLEANI	29.60
			16686 B&K - COFFEE	50.40
			WMART - BATTERIES, CDS	25.52
			KEY - TONER CARTRIDGE	68.89
			95506 CPL - UNIFORM CLEANI	22.20
			95502 CPL - UNIFORM CLEANI	35.15
			95534 CPL - UNIFORM CLEANI	16.65
			95624 CPL - UNIFORM CLEANI	51.80
			95661 CPL - UNIFORM CLEANI	9.25
			95666 CPL - UNIFORM CLEANI	7.40
			95706 CPL - UNIFORM CLEANI	35.15
			95714 CPL - UNIFORM CLEANI	9.25
			95827 CPLA - UNIFORM CLEAN	22.20
			WMART - CERTIFICATE FRAME	4.00
			F & S - TASER BATTERIES AC	35.98
			MIL OUTLET - RESERVE NAME	6.00
			1173 J&R-PWR STR PMP - GRE	142.91
			1173 J&R-PWR STR PMP - GRE	183.04
			WMART - VEHICLE BATTERY	67.35
			BOX&SHIP-SHIPPING CHG-TASE	1.75
			BOX&SHIP-SHIPPING CHG-TASE	15.80
			WMART-DRY ERASE BOARD	26.24
			WMART-BR FRESHENER	18.00
			NORTHERN TOOL-COMPRESSOR P	66.59

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			FIRESTONE - TIRES UNIT 223	431.00
			BOX&SHIP-SHIPPING CAMERA C	3.16
			WMART-BR SOAP	17.52
			WATERS-BACK DOOR LOCK REPA	3.44
			WATERS - FLAG HOOKS	8.98
		TASER INTERNATIONAL	SI1227472 TASER CAM REPAIR	350.00
			SI1227783 TASER REPAIR UNI	350.00
			SI1228620 TASER REPAIR UNI	350.00
		WEST PAYMENT CENTER	6069309806 CLEAR SUBSCRIPT	15.10-
			821602344 CLEAR SUBSCRIPTI	166.10
		WIZARD'S ELECTRONIC SVC	24541 CIU SPEAKER REPAIR	25.00
		T-MOBILE	NOV 2010 MOBILE FINGERPRIN	29.62
			TOTAL:	19,268.55
E	GENERAL FUND	JOSHUA ALLEN	2008 FICA (SS) REIMBURSEME	1,873.39
		JEREMY MCCALLUM	2010 UNIFORM ALLOWANCE	99.98
		MICHAEL T. BROWN	2010 UNIFORM ALLOWANCE	100.00
		VERIZON WIRELESS	223-0009 (522)	0.00
			209-0124 (STN 2 CAPT)	0.00
			209-0255 (BC)	0.00
			209-0668 (STN 1 CAPT)	0.00
			223-1231 (521)	0.00
			223-1233 (522)	0.00
			223-1235 (E30)	0.00
			223-1388 (E10)	0.00
			223-7955 (FIRE MARSHAL)	0.00
		FOLEY EQUIPMENT	TENSIONER/E20	181.20
		JAMES LUNDEEN	2010 UNIFORM ALLOWANCE	99.98
		OFFICE DEPOT	5 CASE OF PAPER	69.95
		KA-COMM	SERVICE CONTRACT/MAINT FIR	173.50
		GARAGE DOOR PLACE	REPAIR STN 2 DOORS	131.00
		JAMES REYNOLDS	2010 UNIFORM ALLOWANCE	100.00
		DOUG FISHER	2010 UNIFORM ALLOWANCE	94.99
		GEARY COUNTY PUBLIC WORKS	DIESEL FUEL - FIRE	1,031.93
			MOTOR FUEL - FIRE	167.85
		IAN STRICKLAND	2010 UNIFORM ALLOWANCE	56.50
			2010 UNIFORM ALLOWANCE, RC	43.50
		MATT JACKSON	2010 UNIFORM ALLOWANCE	100.00
		JASON LANKAS	2010 UNIFORM ALLOWANCE	100.00
		DENNIS E WETKLOW	2010 UNIFORM ALLOWANCE	55.00
		CHRIS BOOTH	2010 UNIFORM ALLOWANCE	100.00
		MIKE'S FIRE EXT. SALES	RECHARGE EXTINGUISHER	34.55
			RECHARGE & TEST EXTINGUISH	59.30
		NEX-TECH	FIRE	21.70
		NICK NUTTER	2010 UNIFORM ALLOWANCE	100.00
		CRAIG PAXTON	2010 UNIFORM ALLOWANCE	88.50
		DENNIS RADLEY	2010 UNIFORM ALLOWANCE	99.99
		CARD CENTER	WALMART/DISH SOAP,ROLLED T	66.84
			FIRESTONE/REPAIR TIRE 522	5.98
			FIRESTONE/REPAIR TIRE 522	16.00
			DILLONS/JUICE,CUPS-TESTING	11.06
			WATERS/BUSHING	4.79
			MR GOODCENTS/FOOD-TESTING	89.88
		RICK ROOK	2010 UNIFORM ALLOWANCE	99.95
		SAM'S CLUB	TISSUE/TOWELS	231.90
		JOHN SHEPEK	2010 UNIFORM ALLOWANCE	100.00

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		GREGG VAN DE CREEK	GREGG VAN DE CREEK	<u>100.00</u>
			TOTAL:	5,709.21
EET	GENERAL FUND	VEOLIA WATER NORTH AMERICA	PUBLIC WORKS	<u>116,143.44</u>
			TOTAL:	116,143.44
RT	GENERAL FUND	MCCARGO, MAHLIEK S.	BOND REFUND CASE 10-10090	219.00
		OYEFULE, BANDELE	BOND REFUND TT127665	435.00
		LARIVIERE, WHITNEY G.	BOND REFUND CASE 10-09991	33.50
		OFFICE DEPOT	7 CASE OF PAPER	97.93
		VELAZQUEZ, ADA ANGELINA	RESTITUTION REIMB. 10-0406	825.00
		COFFEY, DANIEL	BOND REFUND TT137577	89.00
		MONTGOMERY COMMUNICATIONS INC	G-1076 COURT FEES	154.45
			COURT FINE SCHEDULE	334.00
		NEX-TECH	MUNICIPAL COURT	11.61
		CINTAS #451	MATS @ MUNICIPAL COURT	14.00
			MATS @ MUNICIPAL COURT	<u>14.00</u>
			TOTAL:	2,227.49
OPERA HOUSE	GENERAL FUND	VERIZON WIRELESS	209-1265 OPERA HOUSE	53.27
			223-1043-OPERA HOUSE	53.27
			223-1321-D.LAUGHLIN	55.02
		NEX-TECH	OPERA HOUSE	<u>12.35</u>
			TOTAL:	173.91
CTION CITY ARTS	GENERAL FUND	SECURITY SOLUTIONS INC	ALARM ARTS COUNCIL-109 W7	<u>22.00</u>
			TOTAL:	22.00
REATION	GENERAL FUND	VERIZON WIRELESS	210-6980=RECREATION DIRECT	56.27
		OFFICE DEPOT	1 CASE OF PAPER	13.99
		JASON HASLOUER	REIMB HALOWEEN CANDY-2010	250.00
		SECURITY SOLUTIONS INC	ALARM 12TH ST COMM-1002 W	18.00
		NEX-TECH	RECREATION	9.12
		CARD CENTER	HALLOWEEN PARTY-VOLUNTEERS	<u>107.00</u>
			TOTAL:	454.38
-DEPARTMENTAL	GRANTS	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	1,036.36
			FICA WITHHOLDING	259.51
			MEDICARE WITHHOLFING	171.81
		ING LIFE INSURANCE & ANNUITY COMPANY	ING	175.00
		AMERICAN UNITED LIFE INSURANCE COMPANY	AMERICAN UNITED LIFE	25.20
			AMERICAN UNITED LIFE	25.20
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	79.72
			BLUE CROSS BLUE SHIELD	67.20
			BLUE CROSS BLUE SHIELD	202.04
		JUNCTION CITY FIREFIGHTERS AID ASSOCIA	FIREFIGHTERS AID ASSOCIATI	12.50
		CONTINENTAL AMERICAN INSURANCE COMPANY	CAIC	3.98
			CAIC	3.98
		DELTA DENTAL (PAYROLL)	DELTA DENTAL OF KANSAS	29.63
			DELTA DENTAL OF KANSAS	29.63
		FIREMEN'S RELIEF ASSOCIATION	FIREMANS RELIEF	32.40
		JUNCTION CITY FIRE FIGHTERS ASSOCIATIO	I.A.F.F. LOCAL 3309	105.00
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	451.76
		KANSAS PUBLIC EMPLOYEES	KPERS #1	181.17
			KP&F	546.27
		POLICE & FIREMEN'S	POLICE & FIRE INSURANCE	124.09

ARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			POLICE & FIRE INSURANCE	124.88
		INTRUST BANK	FIRST STATE BANK	106.03
		AMERICAN FAMILY LIFE ASSURANCE COMPANY	AFLAC	60.53
			AFLAC	61.32
		UNITED WAY OF JUNCTION CITY-GEARY COUN	UNITED WAY	<u>21.68</u>
			TOTAL:	3,936.89
AGENCY SHELTER	GRANTS	OPEN DOOR COMM. HOUSE	OCTOBER 2010-ESG GRANT	<u>2,244.66</u>
			TOTAL:	2,244.66
F HELP HOUSING	GRANTS	VERIZON WIRELESS	SHH Coordinator	32.93
			SHH Director	53.27
			SHH Construction	32.98
		NEX-TECH	SELF HELP HOUSING	4.94
		CARD CENTER	Fuel for Skid Loader	30.00
			Fuel for City Vehicle	75.00
			Gas for Generator (G3 Spli	17.47
			Switch Box & Ground Rod (G	14.49
			Adapters for City Truck	<u>8.47</u>
			TOTAL:	269.55
S GRANT	GRANTS	CARD CENTER	Computer - S_J_ADA	844.88
			Monitor - S_J_ADA	152.62
			Computer - S_D_1A	844.88
			Monitor - S_D_1A	152.62
			Computer - S_D_2A	844.88
			Monitor - S_D_2A	152.62
			Computer - S_I_LTSA	844.88
			Monitor - S_I_LTSA	152.63
			Computer - S_C_Nights	844.88
			Monitor - S_C_Nights	152.63
			Computer - PD_I_LAB	843.52
			Monitor - PD_I_LAB	135.29
			Computer - PD_I_LAB1	843.52
			Monitor - PD_I_LAB1	135.29
			Monitor - Spare	135.30
			Monitor - Spare	<u>135.30</u>
			TOTAL:	7,215.74
-DEPARTMENTAL	SPIN CITY	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	142.66
			FICA WITHHOLDING	302.13
			MEDICARE WITHHOLFING	70.69
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	80.83
		KANSAS PUBLIC EMPLOYEES	KPERS #1	<u>42.56</u>
			TOTAL:	638.87
N CITY	SPIN CITY	LANDMARK NATIONAL BANK	DEC 2010-LOAN PAYMENT	8,717.87
		CASH-WA DISTRIBUTING	CONCESSION FOOD	174.44
			TOWELS,CAN LINER,BLEACH	83.89
			SPOONS	11.70
		VERIZON WIRELESS	223-1084=SPIN CITY MANAGER	56.77
		LINDSAY MARS	TRAVEL REIMB OCT1-29 2010	58.50
		OFFICE DEPOT	1 CASE OF PAPER	13.99
		LIGHT GUY ENTERPRISES	FIX DJ LIGHTS & LIGHT BULB	1,196.40
		SNACK EXPRESS	CHIPS, POP, CANDY BARS	202.00
			CHIPS, POP, CANDY BARS	134.00

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			CONCESSION FOOD	84.00
			CHIPS, CANDY, POP	173.00
		CARD CENTER	Spin City - Cable	88.09
			Cartridges -SC Manager Pri	11.98
			CAKE	14.97
			HOT DOG BUNS	3.94
			PROJECTOR LAMPS	198.00
			STREAMERS, BALLOONS	23.50
			FOOD-CONCESSIONS	42.02
			ALL NIGHT SKATE-DONUTS	45.00
			FOOD	30.94
			MESSAGE PADS,BANDAGES,TAPE	45.77
			CAKE, CHILI	97.04
			BATTERIES	5.97
			WHIP TOPPING, CANDY	86.89
			HALLOWEEN DECORATIONS	32.00
			STREAMERS	19.54
			DRAIN CLEANER, SPONGE	5.82
			MUSIC	8.31
			PHOTO ALBUM, PICTURES	26.44
		THE STUFF SHOP	REDEMPTION PRIZES	610.67
			REDMEPTION & PRIZES	610.67
			REDEMPTION PRIZES	561.24
			TOTAL:	13,475.36
-DEPARTMENTAL	MILITARY AFFAIRS/O	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	179.83
			FICA WITHHOLDING	155.75
			MEDICARE WITHHOLFING	36.42
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	82.30
		KANSAS PUBLIC EMPLOYEES	KPERS #1	77.09
		UNITED WAY OF JUNCTION CITY-GEARY COUN	UNITED WAY	10.00
			TOTAL:	541.39
-DEPARTMENTAL	WATER & SEWER FUND	FAMILY SUPPORT PAYMENT CENTER (MISSOUR	MACSS #41061331/ CV103-753	154.85
		INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	1,964.80
			FICA WITHHOLDING	1,323.47
			MEDICARE WITHHOLFING	309.52
		ING LIFE INSURANCE & ANNUITY COMPANY	ING	221.00
		AMERICAN UNITED LIFE INSURANCE COMPANY	AMERICAN UNITED LIFE	78.05
			AMERICAN UNITED LIFE	78.05
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	33.28
			BLUE CROSS BLUE SHIELD	211.55
			BLUE CROSS BLUE SHIELD	79.72
			BLUE CROSS BLUE SHIELD	99.79
			BLUE CROSS BLUE SHIELD	292.55
		CONTINENTAL AMERICAN INSURANCE COMPANY	CAIC	12.75
			CAIC	12.75
		CITY OF JUNCTION CITY	CITY OF JUNCTION CITY (G-F	1.50
			CITY OF JUNCTION CITY (G-F	1.50
		COLONIAL SUPPLEMENTAL INSURANCE	COLONIAL INSURANCE	10.00
			COLONIAL INSURANCE	10.00
			COLONIAL INSURANCE	5.40
			COLONIAL INSURANCE	5.40
		DELTA DENTAL (PAYROLL)	DELTA DENTAL OF KANSAS	63.32
			DELTA DENTAL OF KANSAS	63.32
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	850.87

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		KANSAS PUBLIC EMPLOYEES	KPERS #1	655.30
			KPERS #2	336.99
		INTRUST BANK	FIRST STATE BANK	133.37
		AMERICAN FAMILY LIFE ASSURANCE COMPANY	AFLAC	28.61
			AFLAC	28.61
		UNITED WAY OF JUNCTION CITY-GEARY COUN	UNITED WAY	<u>37.54</u>
			TOTAL:	7,103.86
ER PRODUCTION	WATER & SEWER FUND VEOLIA WATER NORTH AMERICA		WATER UTILITY	<u>138,472.94</u>
			TOTAL:	138,472.94
ER ADMINISTRATION	WATER & SEWER FUND VERIZON WIRELESS		209-1393=METER READER	32.95
			210-6618=METER READER	33.18
			223-1358=CITY TREASURER	53.77
		STAPLES ADVANTAGE	PAPER/REG PAPER/CALANDERS	96.00
			TONER	240.84
			INK CARTRIDGE FOR BILL MAC	76.97
		OFFICE DEPOT	16 CASE OF PAPER	223.84
		GEARY COUNTY PUBLIC WORKS	WATER-UNLEADED	306.52
			WATER-SURCHARGE 125.10GAL@	6.26
		HEARTLAND ALARMS, INC	REPLACED BAD BATTERIES-FIR	176.00
		SECURITY SOLUTIONS INC	ALARM WUPD 2307 N JACKSON	35.00
		KEY OFFICE EQUIPMENT	RIBBON FOR RECEIPT PRINTER	179.56
			STAMP-FOR DEPOSIT ONLY-INT	33.50
		BRINKS INCORPORATED	WATER-OCTOBER 2010	375.27
		NEX-TECH	WATER ADMINISTRATION	25.88
		INCODE	Web - Utilities Inquiry	320.00
		PITNEY BOWES PURCHASE POWER	WATER-AUG 2009 POSTAGE REF	1,299.05
		CARD CENTER	Certified Address Software	131.00
			WUPD - Internet Connection	189.95
			THREE RIVERS-NAME PLATE	11.15
			WALMART-FLASHLIGHT-BATTERI	63.48
			WATERS-FLEX HANDLE	9.99
			OREILLY AUTO PARTS-FLUID	7.77
		CINTAS #451	SCRAPER/BROWN MAT	24.96
			UNIFORMS-LANGDON, KENNY	9.74
			SCRAPER/BROWN MAT	24.96
			UNIFORMS-LANGDON, KENNY	9.74
			SCRAPER/BROWN MAT	40.36
			UNIFORMS-LANGDON, KENNY	9.74
			SCRAPER/BROWN MAT	24.96
			UNIFORMS-LANGDON, KENNY	9.74
		SAM'S CLUB	CLOROX	<u>24.36</u>
			TOTAL:	4,106.49
ER ADMINISTRATION	WATER & SEWER FUND PITNEY BOWES PURCHASE POWER		SEWER-AUG 2009 POSTAGE REF	1,299.06
		POSTMASTER	APRIL 2010-POSTAGE MACHINE	<u>5,000.00</u>
			TOTAL:	6,299.06
TEWATER PLANTS	WATER & SEWER FUND VEOLIA WATER NORTH AMERICA		WASTEWATER UTILITY	<u>181,471.50</u>
			TOTAL:	181,471.50
-DEPARTMENTAL	ROLLING MEADOWS GO INTERNAL REVENUE SERVICE		FEDERAL WITHHOLDING	917.70
			FICA WITHHOLDING	489.04
			MEDICARE WITHHOLFING	114.37
		AMERICAN UNITED LIFE INSURANCE COMPANY	AMERICAN UNITED LIFE	69.47

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			AMERICAN UNITED LIFE	69.47
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	55.45
			BLUE CROSS BLUE SHIELD	33.60
		DELTA DENTAL (PAYROLL)	DELTA DENTAL OF KANSAS	42.64
			DELTA DENTAL OF KANSAS	42.64
		INTRUST BANK	SAVINGS BOND	37.50
			SAVINGS BOND	37.50
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	341.48
		KANSAS PUBLIC EMPLOYEES	KPERS #1	260.57
			KPERS #2	48.00
		INTRUST BANK	FIRST STATE BANK	25.84
		UNITED WAY OF JUNCTION CITY-GEARY COUN	UNITED WAY	15.00
			TOTAL:	2,600.27
F COURSE		ROLLING MEADOWS GO VERIZON WIRELESS	209-0046 J. CARTER CELL	53.27
			209-1193 G. ONEAL CELL	32.93
			223-1419 J. WIMBISH CELL	53.27
		OFFICE DEPOT	1 CASE OF PAPER	13.99
		FLINT HILLS BEVERAGE LLC	BUD ORDER	62.69
		BRINKS INCORPORATED	GOLF-OCTOBER 2010	135.78
		NEX-TECH	GOLF COURSE	0.44
		PEPSI	PEPSI ORDER	102.30
		CARD CENTER	Golf - Internet Connection	59.95
			HOT DOG BUNS	6.16
			HOT DOG BUNS	7.04
			HOT DOG BUNS	7.04
			HOT DOG BUNS	7.04
		SAM'S CLUB	GOLF FOOD SUPPLIES	244.14
			GOLF-NON DAIRY CREAM	9.88
		TEXOMA GOLF INC	SOFT SPIKES (SHOES)	187.28
		TIELKE ENTERPRISE, LLC	SANDWICH ORDER	29.88
			SANDWICH ORDER	46.60
			TOTAL:	1,059.68
-DEPARTMENTAL	STORM WATER	ALL AMERICAN ADMINISTRATORS (LOYAL AME	CANCER PLAN	4.27
			CANCER PLAN	4.27
		INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	32.91
			FICA WITHHOLDING	19.52
			MEDICARE WITHHOLDING	4.57
		AMERICAN UNITED LIFE INSURANCE COMPANY	AMERICAN UNITED LIFE	4.16
			AMERICAN UNITED LIFE	4.16
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	9.97
		DELTA DENTAL (PAYROLL)	DELTA DENTAL OF KANSAS	2.67
			DELTA DENTAL OF KANSAS	2.67
		INTRUST BANK	SAVINGS BOND	3.13
			SAVINGS BOND	3.13
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	12.56
		KANSAS PUBLIC EMPLOYEES	KPERS #1	13.10
			TOTAL:	121.09
-DEPARTMENTAL	ECONOMIC DEVELOPME	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	162.22
			FICA WITHHOLDING	160.41
			MEDICARE WITHHOLDING	37.52
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	55.45
			BLUE CROSS BLUE SHIELD	39.86
		DELTA DENTAL (PAYROLL)	DELTA DENTAL OF KANSAS	10.66

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			DELTA DENTAL OF KANSAS	10.66
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	100.64
		KANSAS PUBLIC EMPLOYEES	KPERS #1	70.85
			KPERS #2	58.32
		INTRUST BANK	FIRST STATE BANK	50.00
		UNITED WAY OF JUNCTION CITY-GEARY COUN	UNITED WAY	<u>10.00</u>
			TOTAL:	766.59
ECONOMIC DEVELOPMENT	ECONOMIC DEVELOPME	CL HOOVER OPERA HOUSE	ADVERTISING PERFORMANCE PR	1,000.00
		TELEPLUS SOLUTIONS	Cancel call Forward 762-19	1.04
			Cancel Centrex Trunk -762-	6.72
			Cancel call Forward 762-19	1.04
			Cancel Centrex Trunk -762-	6.72
		DJ CARPENTER BUILDING SYSTEMS	CAULKING AND LABOR	464.00
		OFFICE DEPOT	1 CASE OF PAPER	13.99
		U.S. CELLULAR	226-1588-SHULTE-MINUTE PAC	103.02
		AMERICAN SEAMLESS GUTTER	JUPITER BLDG REPAIR	684.00
		NEX-TECH	EDC	10.06
		CARD CENTER	DILLONS-BOARD BREAKFAST	10.25
			WALMART-CUPS/CLEANING SUPP	36.20
		CHAMBER OF COMMERCE	CHAMBER OF COMMERCE MEMBER	<u>275.00</u>
			TOTAL:	2,612.04
RARY	LIBRARY FUND	DOROTHY BRAMLAGE LIBRARY	OCT 2010 TAX DISTRIBUTION	<u>32,671.29</u>
			TOTAL:	32,671.29
CIAL HIGHWAY	SPECIAL HIGHWAY FU	NEX-TECH	ENGINEERING	<u>12.35</u>
			TOTAL:	12.35
ITATION PICKUP	SANITATION FUND	VEOLIA WATER NORTH AMERICA	SANITATION	101,757.12
			421 MAPLE	75.00
			720 W 5TH	<u>100.00</u>
			TOTAL:	101,932.12
ITAL IMPROVEMENT	CAPITAL IMPROVEMEN	SECURITY BANK OF KANSAS CITY	VENTRIA IRB MONTHLY-DEC 20	99,965.15
		SPIRIT OF 76	EDC GRANT CAPGEMINI	<u>42,709.06</u>
			TOTAL:	142,674.21
LITY CHARGES	UTILITY CHARGES FU	DS&O RURAL ELECTRIC	GOLF CLUB HOUSE	1,369.02
			GOLF COURSE	100.57-
			GOLF COURSE-CART SHED	157.65
			1807 LYDIA LN-WARNING SIRE	51.02
			SEWER LIFT	43.42
			BROOKEBEND LIFT STATION	78.66
			LIFT STATION- HILLTOP #5	78.00
			2542/2548 JAGER DR SWR LIF	246.93
			2326/2321 OSPREY SWR LIFT	246.59
			2515 WILMA-OLIVIA FARMS-LI	77.55
			QUINTON POINT SIREN	18.09
			LIGHTS AT HUNTERS RIDGE	554.66
			LIGHTS AT HARGRAVES #2	61.69
			LIGHTS AT INDIAN RIDGE/MID	39.90
			LIGHTS AT HARGRAVES#5	123.38
			LIGHTS AT OLIVIA FARMS	45.94
			LIGHTS AT SUTTERWOODS	296.10
			LIGHTS AT SUTTER HIGHLANDS	246.75

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			LIGHTS AT MANN'S RANCH	70.50
			LIGHTS AT HARGRAVES #4	11.75
			LIGHTS AT HARGRAVES #1	23.50
			LIGHTS AT HILLTOP #5	7.83
			LIGHTS AT HARGRAVES #3	36.04
			LIGHTS ALONG SVR	204.07
		KANSAS GAS SERVICE	133 W 7TH -NOVEMBER 2010	56.86
		WESTAR ENERGY	135 W 7TH-NOV 2010 (OPERA)	2,025.87
			1821 CAROLINE-NOVEMBER 201	19.59
			2100 N JACKSON-NOV 2010	186.29
			351 E CHESTNUT-NOV 2010	231.02
			601 E CHESTNUT-NOVEMBER 20	302.74
			617 N WASHINGTON-NOV 2010	18.24
			902 E CHESTNUT-NOV 2010	290.23
			JC LITTLE THEATER-OCT 2010	<u>209.90</u>
			TOTAL:	7,329.21
LOYEE BENEFITS	EMPLOYEE BENEFITS	INTERNAL REVENUE SERVICE	FICA WITHHOLDING	6,319.74
			MEDICARE WITHHOLDING	3,899.33
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	2,418.88
			BLUE CROSS BLUE SHIELD	302.36
			BLUE CROSS BLUE SHIELD	604.72
			BLUE CROSS BLUE SHIELD	3,930.68
			BLUE CROSS BLUE SHIELD	9,373.16
			BLUE CROSS BLUE SHIELD	151.18
			BLUE CROSS BLUE SHIELD	453.54
			BLUE CROSS BLUE SHIELD	302.36
		DELTA DENTAL (PREMIUMS)	NOV. 2010 COBRA J.BLACK	64.52
			NOV. 2010 PREMIUM	6,266.76
		KANSAS PUBLIC EMPLOYEES	KPERS #1	5,613.40
			KP&F	24,051.37
			KPERS #2	<u>1,279.93</u>
			TOTAL:	65,031.93
DOWN SALUTE	SUNDOWN SALUTE	SUNDOWN SALUTE INC	NOV 10 WATER BILL DONATION	<u>489.00</u>
			TOTAL:	489.00
-DEPARTMENTAL	DRUG & ALCOHOL ABU	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	247.32
			MEDICARE WITHHOLDING	26.82
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	39.86
		JUNCTION CITY POLICE	JCPOA	20.00
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	98.67
		KANSAS PUBLIC EMPLOYEES	KP&F	<u>132.25</u>
			TOTAL:	564.92
G & ALCOHOL ABUSE	DRUG & ALCOHOL ABU	CARD CENTER	WTV - POPCORN	<u>52.41</u>
			TOTAL:	52.41
-DEPARTMENTAL	SPECIAL LE TRUST F	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	24.93
			FICA WITHHOLDING	29.18
			MEDICARE WITHHOLDING	6.83
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	8.40
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	12.47
		KANSAS PUBLIC EMPLOYEES	KPERS #1	19.66
		INTRUST BANK	FIRST STATE BANK	<u>12.50</u>
			TOTAL:	113.97

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
CIAL LAW ENFORCEMEN	SPECIAL LE TRUST F MIKE LIFE		DTF BUY MONEY	2,000.00
	GEARY COUNTY ATTORNEY		09CV291 ATTORNEY FEES FORF	219.51
			10CV102 ATTORNEY FEES FORF	9.00
			10CV26 ATTORNEY FEES FORFE	118.99
			10CV46 ATTORNEY FEES FORFE	3,688.00
			AMMUNITION	443.00
			AUCTION PROCEEDS 101210	1,929.43
	ED ROEHR SAFETY PRODUCTS		337819 TASER CARTRIDGES	296.18
	GRANDVIEW PLAZA PD		AUCTION PROCEEDS 101210	486.87
	VERIZON WIRELESS		4043263258 DTF PHONE SERVI	40.01
			4048449432 DTF PHONE SERVI	40.01
	CENTURY LINK		K111602824 DTF PHONE SERVI	37.96
	GEARY COUNTY PUBLIC WORKS		DTF FUEL OCTOBER 2010	399.28
	GEARY COUNTY SHERIFF		AUCTION PROCEEDS 101210	4,255.19
	NEX-TECH		DRUG TASK FORCE	7.51
	CARD CENTER		36679 STOP TECH - STOP STI	998.00
			FIRESTONE-TIRES 2000 IMPAL	265.00
			1153 J&R-LOF,TIR ROT/HNDL	152.92
			1150 J&R-LOF,TIRE ROT 2000	60.87
			1149 J&R-LOF,TIRE ROT 03 L	60.87
			1145 J&R-LOF,TIRE ROT #232	60.87
			1684 QUANTICO-TRU HOLSTER	183.20
			ORAP169613 MICROV BELT 99	58.18
			ORAP170946 MICROV BELT 99	29.05-
			ORAP180563 CIRCIT BOARD #2	22.99
			ORAP 181986 MAF SENSOR 04	265.36
			ORAP185438 MAF SENSOR SUZU	60.00-
			1126 J&R-LOF,TIRE ROTATE #	60.87
			1129J&R-MASS AIR FLOW SUZU	40.04
			PUBLIC SAFETY-DISPATCHER J	52.05
			OFFICE MAX - OFFICE CHAIR	199.99
			TOTAL:	16,363.10
E	DARE	TEE'S PLUS	338827 DARE SHIRTS/INCENTI	1,900.29
			338828 DARE CERTIFICATES	170.00
			TOTAL:	2,070.29

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
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===== FUND TOTALS =====

01	GENERAL FUND	308,575.82
02	GRANTS	13,666.84
10	SPIN CITY	14,114.23
14	MILITARY AFFAIRS/OLD TROO	541.39
15	WATER & SEWER FUND	337,453.85
17	ROLLING MEADOWS GOLF FUND	3,659.95
18	STORM WATER	121.09
19	ECONOMIC DEVELOPMENT	3,378.63
20	LIBRARY FUND	32,671.29
22	SPECIAL HIGHWAY FUND	12.35
23	SANITATION FUND	101,932.12
25	CAPITAL IMPROVEMENT FUND	142,674.21
30	UTILITY CHARGES FUND	7,329.21
35	EMPLOYEE BENEFITS FUND	65,031.93
46	SUNDOWN SALUTE	489.00
47	DRUG & ALCOHOL ABUSE FUND	617.33
50	SPECIAL LE TRUST FUND	16,477.07
54	DARE	2,070.29

 GRAND TOTAL: 1,050,816.60

SELECTION CRITERIA

SECTION OPTIONS

DOR SET: 01-CITY OF JUNCTION CITY, KS
DOR: All
SSIFICATION: All
K CODE: All
M DATE: 0/00/0000 THRU 99/99/9999
M AMOUNT: 9,999,999.00CR THRU 9,999,999.00
POST DATE: 0/00/0000 THRU 99/99/9999
CK DATE: 11/09/2010 THRU 12/01/2010

ROLL SELECTION

ROLL EXPENSES: NO
CK DATE: 0/00/0000 THRU 99/99/9999

NT OPTIONS

NT DATE: None
UENCE: By Department
CRPTION: Distribution
ACCTS: NO
ORT TITLE: APPROPRIATIONS--NOV 9-DEC 1 2010
NATURE LINES: 0

KET OPTIONS

LUDE REFUNDS: YES
LUDE OPEN ITEM:NO

3b

CITY COMMISSION MINUTES

November 16, 2010

7:00p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, November 16, 2010 with Mayor Mike Rhodes presiding.

The following members of the Commission were present: Terry Heldstab, Scott Johnson, Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: City Manager Gerry Vernon, City Attorney Catherine Logan, and City Clerk Tyler Ficken.

PUBLIC COMMENT

Scott Johnson of 602 Stoneridge Dr. stated that there is confusion on the Ventría project. He stated that the City gave too much money to Ventría and now owes them \$135,000.00 for electrical work. Mr. Johnson stated that the City also painted the building, forgave rent, repaired the roof, and paved a parking lot. Mr. Johnson stated that Ventría needs to come to the Commission to explain. Mr. Johnson stated that the City needs to require sheathing under the siding on homes because there are problems at 1744 Sutter Woods Dr. He stated that the cost is \$800 to \$1,000 per home.

Olga Webb of 2020 Nottingham stated that her street is too narrow for traffic. She stated that an emergency in the area would be a problem for travel in the area. She stated that snow plows cannot make it down her street. She stated that neighbors park too many vehicles in the street.

Jim Poole of the Junction City Baseball Association requested that the City not charge for the use of baseball facilities which has not occurred in the past. He stated that it would be difficult to find the funds in their budget, and parents are being squeezed already by water rate increases. Mr. Poole stated that the association does not receive tax funds from the City. While the organization would like to use the fields at no charge, his organization cannot afford a charge of more than \$20.00 per game.

CONSENT AGENDA

The consideration and approval of **Appropriation Ordinance A-22-2010** dated October 28, 2010 to November 8, 2010 in the amount of \$529,730.57. Commissioner Taylor moved, seconded by Commissioner Johnson to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

Approval of the **November 2, 2010** City Commission Meeting Minutes. Commissioner Taylor moved, seconded by Commissioner Johnson to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

Monthly Reports:

1. Personnel Report
2. EMS Report
3. Fire Report

4. Rolling Meadows Golf Course Report
5. Water Department Report

SPECIAL PRESENTATIONS

Service Awards presented by Tricia Gowen. The awards were presented by the Mayor.

NEW BUSINESS

The consideration and approval of memorandum of understanding between the City of Junction City and the Junction City Junior Baseball Association for use of City facilities. **Ed Lazear Presenting.** Ed Lazear stated that the City spends \$26.50 to prepare the fields for play. City Manager Vernon stated that this type of charge is common across the country. Commissioner Johnson stated that \$30 seems like a good deal for this service. Jim Poole stated that he would need to increase fees to continue the program. Commissioner Johnson stated that the City needs to work to stick with the budget. Jim Poole stated that the association provides a service; if the service went away the City would have to pick up the difference. Commissioner Johnson stated that it is not the City's responsibility to provide this service; the City should provide a pool and tennis courts. Commissioner Heldstab moved, seconded by Commissioner Talley to approve the memorandum of understanding between the City of Junction City and the Junction City Junior Baseball Association with a charge of \$20.00. Ayes: Heldstab, Rhodes, Talley. Nays: Johnson, Taylor. Motion carried.

The consideration and approval for Self-Help Housing to accept the Letter of Award for a new 523 Grant from USDA Rural Development in the amount of \$360,000.00. **Dan Pfizenmaier Presenting.** Commissioner Heldstab moved, seconded by Commissioner Taylor to accept the Letter of Award for a new 523 Grant from USDA Rural Development in the amount of \$360,000.00. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of award of bid to Lowenthal, Webb & Odermann for audit services for 2010 to 2012. **Cheryl Beatty Presenting.** Mayor Rhodes stated that he prefers the length of a 3 year contract for audit services. Commissioner Taylor moved, seconded by Commissioner Johnson to approve award of bid to Lowenthal, Webb & Odermann for audit services for 2010 to 2012. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of bids for the sale of City property. **Cheryl Beatty Presenting.** Commissioner Taylor moved, seconded by Commissioner Talley to approve the sale of Riley Manor Circle to Mike Steinfert for the amount of his bid 1,175.00. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried. Commissioner Talley moved, seconded by Commissioner Johnson to approve the sale of 136 East Third Street to Gary Olds in the amount of \$4,000.00. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Ordinance **G-1085** to correct the recent update to Section 215.050 of the Municipal code regarding Animal Shelter operations. **Tyler Ficken Presenting.** Commissioner Talley moved, seconded by Commissioner Johnson to approve G-1085 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried. Commissioner Talley moved, seconded by Commissioner Johnson to approve Declaration of Emergency. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried. Commissioner Talley moved, seconded by Commissioner Johnson to approve G-1085 on final reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of a **payment in the amount of \$4,855.00** to Ron Strauss for road repair/improvements to the frontage road that leads to his property. **Gerry Vernon Presenting.** City Manager Vernon stated that he cannot justify the City spending more than \$150 per year to maintain this road when alleys in town are as quality. Mr. Strauss stated that he wants a decent road. City Manager Vernon stated that the road would be maintained at a minimum level. Commissioner Johnson stated that it needs to be determined how much money the state gives to maintain this portion of road. Commissioner Heldstab asked if hauling the rock from Price Gregory would be expensive. Steve Hoambrecker stated that some rock on the road is 3 to 4 inches in diameter and is not good for the road. Cheryl Beatty stated that there would be a liability risk if the City allowed Mr. Strauss to take care of the road; she stated that the City is paid by the state per mile, but the state does not direct how those funds are spent. Commissioner Heldstab moved, seconded by Commissioner Taylor to table the item until the City received information from KDOT. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of **R-2630** to install three (3) 150W High Pressure Sodium (HPS) street lights along the 1400 Block of Pearl Drive. **Gerry Vernon Presenting.** Item died due to lack of a motion.

The consideration and approval of **Ordinance G-1086** to allow for the sale of fireworks within the corporate city limits of Junction City (First Reading). **Gerry Vernon Presenting.** City Manager Vernon stated that the City budgeted for increases in fees and allowing fireworks is a step in that direction. Commissioner Taylor asked if the stands would be monitored by the Fire Department. City Manager Vernon stated that the Fire Department will inspect. Commissioner Johnson stated that he thought the permit fee is too high. Chief Steinfort stated that fireworks would not be allowed to be sold in a permanent structure. Commissioner Johnson stated that people should not be charged high fees because the City is broke. Commissioner Taylor moved, seconded by Mayor Rhodes to approve G-1086 on first reading. Ayes: Heldstab, Rhodes, Taylor. Nays: Johnson, Talley. Motion carried.

The consideration and approval of Ordinance **G-1083** adopting recommendation of the Junction City/Geary County MPC to amend the Junction City Zoning Regulations (First Reading). **David Yearout Presenting.** Commissioner Heldstab asked if old businesses would be grandfathered in. Dave Yearout stated that they would. Commissioner Heldstab asked if the owners were notified. David Yearout stated that a notice was published in the newspaper. Commissioner Johnson moved, seconded by

Commissioner Taylor to approve G-1083 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Ordinance **G-1084** amending the Title V, Building and Construction, Chapter 585, Day Care Inspection Code of the Municipal Code by amending the definition of "Family Day Care Home" (First Reading). **David Yearout Presenting.** Commissioner Talley moved, seconded by Commissioner Johnson to approve G-1084 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of **Ordinance S-3088** a request to rezone the property at 107 South Franklin Street filed by Gary Junghans, owner, and Auto Craft, Inc., contract buyer (First Reading). **David Yearout Presenting.** Commissioner Johnson moved, seconded by Commissioner Heldstab to approve Ordinance S-3088 on first reading. Ayes: Heldstab Johnson Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of the Final Plat of the Sampson's 2nd Addition, a replat of a portion of Sampson's Addition and concerning property on the North side of Chestnut Street and West of East Street. **David Yearout Presenting.** Commissioner Heldstab moved, seconded by Commissioner Johnson to approve Final Plat of the Sampson's 2nd Addition, a replat of a portion of Sampson's Addition. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of the Final Plat of the Bramlage Addition, a replat of Lot 2, Block 4, West Slopes Addition and a portion of Lot 11 and all of Lot 16, Rimrock Addition Unit No. 2, to Junction City, Kansas, and concerning property on the north side of Ash Street and west of Eisenhower Street. **David Yearout Presenting.** Commissioner Taylor asked if the drainage on the property is acceptable. David Yearout stated that necessary improvements will be made during the building process. Commissioner Johnson moved, seconded by Commissioner Taylor to approve Final Plat of the Bramlage Addition, a replat of Lot 2, Block 4, West Slopes Addition and a portion of Lot 11 and all of Lot 16, Rimrock Addition Unit No. 2. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of a waiver of paving requirement for off-street storage area by Auto Craft, Inc.'s proposed new facility at 220 East Chestnut Street. **David Yearout Presenting.** Commissioner Johnson stated that he does not like to see many exceptions to this ordinance, but there is a reason due to the nature of the business; it is not simply to cut the cost of the project. Mayor Rhodes stated that he is concerned about giving this waiver; he mentioned that the milling will help. Commissioner Johnson moved, seconded by Commissioner Taylor to approve a waiver of paving requirement for off-street storage area by Auto Craft, Inc.'s proposed new facility at 220 East Chestnut Street. Ayes: Heldstab, Johnson, Taylor. Nays: Rhodes, Talley. Motion carried.

The consideration and approval of Ordinance **G-1088** to amend section 620.320 of the municipal code regarding Limousine Service (first reading). Mayor Rhodes stated that the number of passengers for shuttle vehicle should be reduced from 7 to 6 as some vans have six seats. Mayor Rhodes stated that 24 hour advanced arrangement is

required. Mayor Rhodes stated that he has issue with how the business is being advertised as a taxi service. Commissioner Johnson moved to approve Ordinance G-1088 on first reading with the amendment of 6 to 20 seats replacing 7 to 20 seats in the Ordinance. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: Talley. Motion carried. Commissioner Johnson moved, seconded by Commissioner Taylor to approve Declaration of Emergency. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: Talley. Motion carried. Commissioner Johnson moved, seconded by Commissioner Taylor to approve Ordinance G-1088 as amended on final reading. Heldstab, Johnson, Rhodes, Taylor. Nays: Talley. Motion carried.

COMMISSIONER COMMENTS

Commissioner Heldstab thanked the Veterans Alliance for the ceremony they held at the City building on Memorial Day.

Commissioner Taylor congratulated the Junction City High School football team on their achievements; they make the community proud.

Commissioner Johnson reminded the citizens that the City is in a budget crunch, and there is a limit to taxpayer funds.

Mayor Rhodes stated that he supports Scott Johnson's idea that homes need sheathing; that change needs to be made.

STAFF COMMENTS

City Manager Vernon stated that there will be an employee meeting on Thursday, November 18th at 3:00 PM at the Opera House. The Commission will meet for a work session the following Friday morning at 8:00 AM.

ADJOURNMENT

Commissioner Talley moved, seconded by Commissioner Johnson to adjourn at 9:33 PM. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 7th DAY OF DECEMBER 2010 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR NOVEMBER 16th, 2010.

Tyler Ficken, City Clerk

Mike Rhodes, Vice Mayor

CITY COMMISSION MINUTES

October 22, 2010

11:30 AM

The special meeting of the Junction City City Commission was held on Friday, October 22, 2010 with Mayor Mike Rhodes presiding.

The following members of the Commission were present: Terry Heldstab, Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: City Manager Gerry Vernon and City Clerk Tyler Ficken.

NEW BUSINESS

A work session to discuss the East Ash Development Agreement. (Exhibit A) City Manager Vernon stated that the City issued bond series DP for the Ash Street Extension. He stated that the first point to address is the pond. Leon Osbourn of Kaw Valley Engineering stated that the City does not have sufficient water rights to keep the pond filled. Leon stated that the water could be pumped from another area at a cost. City Manager Vernon stated that the fountain in the pond increases the evaporation rate of the pond. Scott Johnson stated that he would like the agreement to be carried out. Commissioner Talley stated that the Commission needs to know the cost. City Manager Vernon stated that costs could be budgeted for in the future. Leon Osbourn stated that the cost to keep the pond filled could be as much as \$200,000.00 or more. City Manager Vernon stated that other areas of the agreement are not complete; Briggs does not plan to build in Junction City given the direction of the auto industry. Commissioner Johnson stated that the project is far from complete, and an additional \$2 million is needed for the improvements. Scott Johnson stated that people ask about this land all the time; the land was to be filled to 100 year flood. Scott Johnson stated that a person who purchases the property in the future will expect a wall to be installed as provided for in the development agreement. City Attorney Logan stated that experts need to determine for the City the extent to which flooding is a problem. Scott Johnson stated that you can run a string and see that the land is low. Commissioner Taylor asked if the projects costs are verified. Cheryl Beatty stated that the costs are there. Leon Osbourn stated that the idea for the project was to build a bridge and retaining wall on the old river channel. Commissioner Johnson stated that the City can agree to a contract and not hold up their end of the agreement. City Attorney Logan stated that approximately \$300,000.00 of the funds available for the project remain. Commissioner Taylor stated that he believes that many agreements were written by developers and rubber stamped by the City. Commissioner Talley stated that the businesses currently in the East Ash area have been understanding on the progress of the project. Scott Johnson stated that Mr. Mutto is unhappy with water levels at the pond.

ADJOURNMENT

Commissioner Heldstab moved, seconded by Commissioner Talley to adjourn at 12:45 PM Ayes: Heldstab, Rhodes, Talley. Nays: Taylor. Motion Carried.

APPROVED AND ACCEPTED THIS 7th DAY OF DECEMBER 2010 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR OCTOBER 22, 2010.

Tyler Ficken, City Clerk

Mike Rhodes, Mayor

CITY COMMISSION MINUTES

November 15, 2010

12:00 PM

The special meeting of the Junction City City Commission was held on Monday, November 15, 2010 with Mayor Mike Rhodes presiding.

The following members of the Commission were present: Terry Heldstab, Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: City Manager Gerry Vernon and City Clerk Tyler Ficken.

NEW BUSINESS

A work session to discuss whether to proceed with ordinance modification to allow for shuttle transportation services with City of Junction City. Commissioner Johnson asked Ms. Pratzel what is required to run a taxi service. She stated that they need insurance, background checks, licensing, and inspections by the police department. Commissioner Johnson stated that there needs to be insurance and as little regulation as possible. Mr. Pewitt stated that insurance is \$6,500.00 per year, and there are laws regarding the color of the vehicles, state and federal permits are required. Mr. Pewitt stated that Mr. Murrell is not filing the correct information and does not exist in Junction City. Commissioner Johnson stated that a service like this needs to work for everyone, and the Roadrunner location is not appealing. Commissioner Johnson stated that it is the responsibility of the state and federal governments to provide their oversight on Mr. Murrell's business, and not the City. Mr. Pewitt stated that the federal government requires a station for business and vehicles cannot have tinted windows. Mr. Murrell stated that he contacted KDOT, and they stated that vans were good to go; they stated that 7 passengers vans are OK. Mr. Troope states that Mr. Murrell was not operating his business within the law and the Commission knew it. Commissioner Johnson stated that he felt the definition of a limousine service simply needs to be changed. Mr. Troope stated that the commission should not just grant exceptions to the law; the law needs to be changes and citizens need to be protected. Mr. Troope states that a business needs to comply with the law before in goes into business. Marty Rombold with USD 475 stated that Mr. Murrell's service is needed. She stated that the business takes homeless children to and from school for a reasonable price. She stated that taxi services in town are not reliable in this task. Ralph DeZago stated that the difference between the two services is that a Taxi can pick people up from the street while the shuttle or limousine service cannot; there needs to be a prior contract for those services. Mr. Troope stated that it is then an important issue to determine how long a contract must be in place before pickup. Commissioner Johnson stated that the law needs to be examined, and excessive regulation needs to be eliminated. Mr. DeZago stated that he would work on and ordinance to be presented to the City Commission for approval.

ADJOURNMENT

Commissioner Talley moved, seconded by Commissioner Heldstab to adjourn at 1:10 PM Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion Carried.

APPROVED AND ACCEPTED THIS 7th DAY OF DECEMBER 2010 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR NOVEMBER 15, 2010.

Tyler Ficken, City Clerk

Mike Rhodes, Mayor

WATER DEPARTMENT SUMMARY OF ACTIVITIES
NOVEMBER 2010

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WEEK	1	2	3	4	5	Total
1. Active water accounts						9618
2. Inactive water accounts						970
3. Turn on's	136	39	110	39	58	382
4. Turn off's.	181	56	174	64	75	550
5. Reread customers	0	0	0	2	0	2
6. Off Cycle Cutoff	15	0	1	29	0	45
7. Turn off usage no name	8	4	0	10	0	22
8. Turn off cut off list	0	0	240	0	278	518
9. Turn on cut off list	15	3	187	3	193	401
10. Non payment \$ due	\$0	\$0	\$31,649	\$0	\$34,015	\$65,664
11. Meters pulled non-pay	1	0	0	8	0	9
12. Returned check turn off	0	0	0	0	0	0
13. Agreement violations	1	1	1	1	0	4
14. Turn off broken pipes	0	0	0	0	0	0
15. Stop Meter Ck	0	0	0	0	1	1
16. Water running	1	1	0	1	1	4
17. Sent to Setoff	17	0	0	16	15	48
18. Abnormal usage reread	0	7	0	5	0	12
19. Walk in payments	1446	591	1430	494	387	4348
20. Drop box payments	492	123	141	173	91	1020
21. Post office payments	845	295	365	407	211	2123
22. Visa payments	559	180	589	162	119	1609
23. Web-Site Payments	286	107	274	71	37	775
24. Receptionist Calls	608	201	508	313	127	1757
25. Telephone calls	866	723	989	444	435	3457
26. Mail processed	718	157	371	434	198	1878
27. Faxes processed	5	3	4	5	3	20
28. Water bills cycle 1	0	0	5217	0	0	5217
29. Late Fees Applied #1	950	0	0	0	0	950
30. Water bills cycle 2	0	0	0	0	4228	4228
31. Late Fee Applied #2	0	0	1066	0	0	1066
32. Deposit refunds	0	0	28	0	27	55
33. Adjustments	2	4	95	10	120	231
34. Final Bills	0	0	0	523	0	523
35. New bank draft set ups	6	5	9	7	3	30
36. Bank drafts processed	711	0	348	0	0	1059
37. Agreements processed	3	14	15	20	1	53
38. Returned checks	1	2	3	5	6	17
39. Miscellaneous billed	263	1	8	7	1	280
40. Miscellaneous keyed	66	1	8	7	1	83
41. Government channel	10	1	7	0	0	18
42. Building reservations	3	5	5	6	3	22
43. Supply requests filled	0	0	0	0	0	0
44. New Service Setup	2	1	0	1	1	5
45. Changed Dials	0	1	15	6	1	23
46. Flyers in Bills	0	0	0	0	0	0

3c2

JUNCTION CITY POLICE DEPARTMENT

FINANCIAL REPORT FOR: OCTOBER, 2010

YEAR TO DATE \$ 3913.00

COPIES.....\$ 305.00
01-4-01-00-0356

TAXI LICENSE.....\$ 13.50
01-4-01-00-0334

MISC..... (FP/NOISE).....\$
01-4-01-00-0421

DISCOVERY/DISK REVENUE.....\$ 50.00
01-4-01-000-421

MONTHLY TOTAL.....\$ 368.50

YEAR TO DATE TOTAL.....\$ 4281.50

Community Involvement
Unit
Monthly Report
October '10

October 1	JCHS Football
October 9	Milford Lake Myth Tour (Movie Presentation)
October 8	Furlough 1 Officer and ACO
October 11	Furlough Day 3 Officers
October 15	Furlough 1 Officer
October 22	JCHS Football
October 25	D.A.R.E. Parent Night (Spin City)
October 26	Freshman Success Academy Discovery Days Presentation
October 27	Discovery Days Presentation St. Xavier
October 28	All Treats Day Parade
October 29	JCHS Football
October 31	Halloween Special Patrol

Community Involvement
Unit
Monthly Report
October '10

Officer Bobby Whitten:

Cases:	4	Year to Date:	55
Tickets:	0		3
Arrests:	1		7
Student Contacts:	21		2278
Parent Contacts:	12		119
Admin./Teacher Contacts:	5		115
Students Taught	222		456

Officer Mike Jefferson:

Cases:	3		16
Tickets:	1		3
Arrests:	0		2
Student Contacts:	7		96
Parent Contacts:	5		52
Admin./Teacher Contacts:	4		59

Officer Eddie Torres:

Cases:	18		156
Tickets:	9		49
Arrests:	6		25
Student Contacts:	50		491
Parent Contacts:	10		144
Admin./Teacher Contacts:	0		0
Presentations	1		7

Officer David Egar:

Cases:	0		0
Tickets:	18		33
Arrests:	0		5
Transports:	1		2

	Attempted:	Served:
Warrants:	10	4
Papers:	29	13

Code Enforcement



"Fight the Blight '10"

October Activity

Code Enforcement

October 1

Pulled case for abandoned vehicle.

October 4-8

Issued 6 tall vegetation violations. Mowed 8 tall vegetation violations. Did 3 clean-ups. Performed bailiff duties 1 day and furloughed 1 day.

October 11-15

Issued 2 blight citations. Issued 3 tall vegetation violations and 6 blight. Mowed 28 tall vegetation violations. Did 2 clean-ups. Pulled case for abandoned vehicle and towed one vehicle. Worked patrol 1 day.

October 18-22

Issued 8 blight and 2 tall vegetation violations. Mowed 10 tall vegetation violations. Court bailiff 1 day, assisted TRU and Investigations 1 day.

October 25-29

Issued 3 blight and 7 tall vegetation violation. Mowed 12 tall vegetation violations. Patrol 1 day.

Clean up month total Blight month total

5 21

Year to Date clean up

44

Vehicles towed

1

Personal Contacts

11

Additional Cases

10

Total Vehicles towed

7

Door Hangers

3

Citations

0

Arrests

0

Monthly tall grass

14

Year to date tall grass total

383

Total Grass Cuttings

267

Blight Citations

2

Patrol

2 Days

Yr. to Date

14

Bailiff

2 Days

Animal Control
October 2010

CASES:

Dispatched: 150

Self Initiated: 14

TOTAL 161

Citations: 1

Contacts:

Personal Contacts: 95

Door Hangers: 40

Animals Captures:

Dogs: 34

Cats: 34

Raccoons: 9

Bats: 0

Snakes: 2

Opossums: 13

Bobcat 1

10-40 Animals: 50

JUNCTION CITY

Calls - By Type

10/01/2010 thru 10/31/2010

Agency is: JCPD

Type	Description	# Of Calls
22	911 HANG UP	10
6	ACCIDENT	102
45	AMBULANCE ASSIST	1
88	AMBULANCE RUN	17
78	ANIMAL BITE	6
46	ANIMAL COMPLAINT	180
107	ANIMAL RUNNING AT LARGE	1
30	ARSON	1
1	ASSAULT	4
50	ASSIST OUTSIDE AGENCY	29
113	ATTEMPT TO LOCATE ADULT	2
116	ATTEMPT TO LOCATE JUVENILE	11
28	BATTERY	13
66	BREACH OF TRUST	1
3	BURGLARY	36
79	BURGLARY ALARM	58
62	CHECK WELFARE	52
42	CHILD ABUSE	3
40	CHILD IN NEED OF CARE	2
63	CITIZEN ASSIST	8
110	CITY ORDINANCE VIOLATION	4
103	CIVIL MATTER	2
37	DAMAGE TO PROPERTY	35
82	DEATH INVESTIGATION	1
58	DELIVER MESSAGE	3
71	DISORDERLY CONDUCT	4
68	DISTURBANCE	86
65	DOMESTIC	67
72	DUI	12
87	FIRE CALL	11
67	FIREWORK COMPLAINT	4
57	FOUND CHILD	2
99	FRAUD	6
117	HOUSECHECK	4
115	IDENTITY THEFT	2
39	INDECENT LIBERTIES WITH A CHILD	1
55	INFORMATION	307
101	INTERFERENCE WITH PARENTAL CUSTODY	1
56	JUVENILE COMPLAINT	40
85	LICENSES	3
102	LIQUOR VIOLATION	2
77	LITTERING/DUMPING	3
81	LOST & FOUND PROPERTY	45
98	MAKING A FALSE WRITING	1
92	MINOR IN POSSESSION OF TOBACCO	4
31	MOTOR VEHICLE THEFT	3
34	NARCOTICS	13
49	NOISE COMPLAINT	73
70	OBSTRUCTION	2
59	OPEN DOOR/WINDOW	10

Type	Description	# Of Calls
112	PUBLIC INTOXICATION	5
89	PUBLIC NUISANCE	21
24	RAPE	1
69	REMOVE SUBJECT	34
27	ROBBERY	4
114	RUNAWAY	3
25	SEX CRIMES	2
64	SHOTS FIRED	7
187	SOLICITING	6
61	STANDBY	31
120	SUICIDAL SUBJECT	10
73	SUSPICION	57
90	TALL GRASS/VEGETATION	14
95	TELEPHONE HARASSMENT	9
4	THEFT	54
75	THREATS	11
47	TRAFFIC HAZARD	11
11	TRAFFIC STOP	672
51	TRANSIENT ASSISTANCE	13
76	TRESPASSING	8
97	UNLAWFUL USE OF A FINANCIAL CARD	14
60	VEHICLE COMPLAINT	144
94	VIOLATION OF PFA/NO CONTACT ORDER	9
188	WARRANT ARREST	35
96	WEAPONS VIOLATION	1
Total		2,464

JUNIOR HIGH CITY POLICE DEPARTMENT
Monthly DOG Activities

DOG Activities for October 2010

Chief

Month :	October-10		Activity	Arrests		Search Met's Lab	In JC	In Asst JC	RHP	Seizures			
	DATE	CASE #		#	Sex	Race				Drugs	Assets	Firearms	Other
	10/1/10	10-	A.D.A. Darrell Taylor	1	M	B							
	10/7/10	09-17505	Warrant Arrest-Robert Burks	1	M	W							
	10/7/10	09-8271	Warrant Arrest-Robert Burks	1	M	W							
	10/7/10	09-15709	Warrant Arrest-Robert Burks	1	M	W							
	10/7/10	10-12743	Narcotics Investigation	1	F	W							
	10/8/10	08-13183	Warrant Arrest-Robert McCullough Jr.	1	M	B		X		Oxys	1 pill		
	10/8/10	10-12802	Poss MJ/Cocaine-Robert McCullough Jr.	1	M	B							
	10/8/10	10-12796	Narcotics Investigation			B				Cocaine	.1 grm		
	10/8/10	10-12795	Drug Investigation			W				Marijuana	24 grms		
	10/12/10	10-12982	Treft, Battery-Matthew May	1	M	W				Diluadid 4 M	3 pills		
	10/13/10	10-13045	Narcotics Investigation			W				Marijuana			
	10/20/10		Warrant Arrest-Stacey Seals (Jernigan)	1	M	B				Diluadid 4M	3 pills		
	10/20/10	10-13448	Juan Colunga D.W.S.	1	M	W/H							
	10/20/10	10-13433		1	M	W		X					
	10/22/10	10-13471	Warrant Arrest-Rashika Gamble	1	M	B							
	10/22/10	10-13503	Miles Corbin-D.W.S.	1	M	B						2003 Ford Explorer	
	10/29/10	10-13869	Drug Investigation			B							
	10/29/10	10-06333	Assist Outside Agency-Nellow Griffin	1	M	W				Diluadid	3 pills		
	10/29/10	10-07554	Warrant Arrest-Robert Enriquez	1	M	W							
	10/29/10	10-10661	Warrant Arrest-Tonya Heaven	1	F	B							
	10/29/10	10-09476	Warrant Arrest-Tonya Heaven	1	F	B							
	10/29/10	10-09476	Warrant Arrest-Robert Maldonado	1	M	W							
	10/31/10	10-08698	Search Warrant-Vincent Clouse	1	M	B		X					
	10/31/10	10-08698	Warrant Arrest-Kenneth Brandenburg	1	M	W		X		Marijuana	28.2 grms		Jeep Cherokee
	10/31/10	10-08274	Warrant Arrest-Michelle LaRue	1	F	W					\$535.00		
	25		Totals	20	17M/3F	10B/9W/1W/H		2	1				
										Cocaine	.1 grm		
										Marijuana	52.2 grms		2
										Diluadid	9 pills		


3d ✓

City of Junction City

City Commission

Agenda Memo

November 19, 2010

From: Tricia Gowen, Public Services Director 
To: Mayor and Commissioners
Subject: November 2010 Payroll

Objective: The consideration and approval of Payroll #22 and #23 for the month of November 2010.

Explanation of Issue: The payrolls for November 2010 were calculated as follows:

Payroll #22	\$199,185.98	November 5, 2010
Payroll #23	\$202,432.74	November 19, 2010

Alternatives: It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission November:

Approve, disapprove or table the November 2010 Payroll request.

Recommendation: City Staff recommends that the City Commission approve the November 2010 Payroll.

Enclosures:

1. Payroll Check Register November 5, 2010 (Payroll #22)
2. Payroll Check Register November 19, 2010 (Payroll #23)

*** REGISTER TOTALS ***

DIRECT DEPOSIT	REGULAR CHECKS:		
	REGULAR CHECKS:	200	199,185.98
	MANUAL CHECKS:		
PRINTED	MANUAL CHECKS:		
DIRECT DEPOSIT	MANUAL CHECKS:		
	VOIDED CHECKS:		
	NON CHECKS:		
	TOTAL CHECKS:	200	199,185.98

*** NO ERRORS FOUND ***

** END OF REPORT **

11-18-2010 8:40 AM

PAYROLL CHECK REGISTER

PAGE: 1

PAYROLL NO: 01 CITY OF JUNCTION CITY

PAYROLL DATE: 11/19/2010

*** REGISTER TOTALS ***

REGULAR CHECKS:		
DIRECT DEPOSIT REGULAR CHECKS:	198	202,432.74
MANUAL CHECKS:		
PRINTED MANUAL CHECKS:		
DIRECT DEPOSIT MANUAL CHECKS:		
VOIDED CHECKS:		
NON CHECKS:		

TOTAL CHECKS:	198	202,432.74

*** NO ERRORS FOUND ***

** END OF REPORT **

3e

City of Junction City

City Commission

Agenda Memo

November 29, 2010

From: Dan Pfizenmaier, Self-Help Housing Director

To: Gerry Vernon, City Manager

Subject: Bid to Purchase 20' Trailer

Objective: Self-Help Housing would like to purchase a 20' tilt Trailer for \$5,514.00. with their grant funds.

Explanation of Issue: Self-Help Housing needs a 20' trailer to haul a skid loader and lumber materials to their work sites. Self-Help Housing has funds in their 2008 Grant to purchase this trailer. I had three bids and chose this bid as to the price and freight charges were lower of \$5,514.00.

Budget Impact: This purchase will not affect the City's Budget, these purchase will be through Self-Help Housing 2008 Grant funds under their Tools budget.

Alternatives: It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission may:

1. Approve The purchase of this 20' tilt trailer for Self-Help Housing for \$5,514.00.
2. Disapprove The purchase of this 20' tilt trailer for Self-Help Housing for \$5,514.00..
3. Modify the proposal... The purchase of this 20' tilt trailer for Self-Help Housing for \$5,514.00..
4. Table the request.

Recommendation: The staff recommends the approval to purchase this 20' title trailer for Self-Help Housing for \$5,514.00.

3f

RD Instruction 1944-I
Exhibit C

Amendment
to
Self-Help Technical Assistance Grant Agreement

This Agreement dated November 22, 2010, between the City of Junction City, a municipality, organized and operated under KSA 12101 and the United States of America acting through the Rural Development Department of Agriculture ("RD"), amends the "Self-Help Technical Assistance Grant Agreement" between the parties dated December 3, 2008, ("Agreement").

The Agreement is amended by providing additional financial assistance in the amount of \$0.00 to be made available by Rural Development to Grantee pursuant to Section 523 of Title V of the Housing Act of 1949 for the purpose of assisting in providing a program of technical and supervisory assistance which will aid low-income families carry out mutual self-help housing efforts; or

The Agreement is amended by changing the completion date specified in covenant 1 from December 2, 2010 to February 2, 2011 and by making the following attachments to this amendment: (List and identify proposal and any other documents pertinent to the grant.)

Agreed to this 22nd day of November 2010.

CITY OF JUNCTION CITY

By: _____
Mike Rhodes

Title: Mayor

UNITED STATE OF AMERICA

By: _____

Title: _____

RURAL DEVELOPMENT

✓
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City of Junction City

City Commission

Agenda Memo

November 18, 2010

From: Tricia Gowen, Public Services Director



To: Mayor & Commissioners

Subject: **Municipal Court Judge's Salary**

Objective: To set the Municipal Court Judge's salary.

Explanation of Issue

The annual salary is set by the City Commission by Ordinance under K.S.A. 12-4105. Judge McKone has served as the full time as the Municipal Court Judge since January 5, 2009 and has done an outstanding job. In 2011, Judge McKone will serve the final year of a three year contract. Each year City staff brings forth to the Commission the request to set the annual salary of the Municipal Court Judge.

Budget Impact: This position will be funded in the General Fund in the Municipal Court account under salaries. The account number to be charged is 01-5-30-00-0520. The requested amount was approved during the 2011 budget process in the summer of 2010.

Alternatives: It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission may:

Approve, disapprove or table the Municipal Court Judge's annual salary of \$56,680.00.


Recommendation: City Staff recommends that the City Commission approve the annual salary of \$56,680.00.

City of Junction City

City Commission

Agenda Memo

November 19, 2010

From: Tricia Gowen, Public Services Director 
To: Mayor and City Commissioners
Subject: Policy Resolution PR-11-01 – Pay 2011

Objective: Consideration and approval of Policy Resolution PR-11-01 for proposed pay grades with minimum wages and maximum wages for each grade.

Explanation of Issue: Each year, the Commission is approached with the proposal to set the pay grades with minimum wages and maximum wages for each pay grade. The City Commission has approved all previous policy resolutions with regards to pay grades and the COLA. The 2011 Policy Resolution does not include a Cost of Living Adjustment (COLA).

Alternatives: It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission may:

Approve, disapprove, modify or table Policy Resolution PR-11-01 as proposed.

Recommendation: City Staff recommends the approval of Policy Resolution PR-11-01 as presented.

Enclosures:

1. Policy Resolution PR-11-01

POLICY RESOLUTION NO. PR-11-01

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS, that the following be made a part of the policy of said City:

Each regular full time and regular part time positions in the classified employment of the City and under the supervision of the City Manager shall be assigned a grade level by the City Manager based on the position's duties and responsibilities, except that the salary of the Municipal Judge shall be determined by the Governing Body. The pay range for each grade shall be authored, after having due regard for the budgetary requirements of said City, to employ any new employees or increase or decrease the pay level of any present employee within the pay range for the grade of the position held, except as hereinafter provided. The salary of the City Manager shall be established and changed by the Governing Body at their will and pleasure. The salary of the Director of the Economic Development Commission shall be established by the Economic Development Commission within the pay range for their appropriate grade, after having due regard for the budgetary requirements of the Economic Development Commission.

GRADE	MIN ANNUAL	MIN HOURLY	MAX ANNUAL	MAX HOURLY
14	\$13,813.33	\$6.64	\$25,028.22	\$12.03
15	\$14,668.22	\$7.05	\$26,888.58	\$12.93
16	\$15,658.10	\$7.53	\$29,051.78	\$13.97
17	\$16,782.97	\$8.07	\$31,474.56	\$15.13
18	\$18,065.32	\$8.69	\$34,156.93	\$16.42
19	\$19,482.64	\$9.37	\$37,250.30	\$17.91
20	\$21,124.95	\$10.16	\$40,797.95	\$19.61
21	\$22,947.23	\$11.03	\$44,843.14	\$21.56
22	\$25,039.48	\$12.04	\$49,926.66	\$24.00
23	\$27,424.19	\$13.18	\$54,664.06	\$26.28
24	\$30,033.87	\$14.44	\$60,742.66	\$29.20
25	\$33,205.98	\$15.96	\$67,989.38	\$32.69
26	\$36,850.55	\$17.72	\$74,305.92	\$35.72
27	\$40,945.05	\$19.69	\$84,840.70	\$40.79
28	\$43,937.19	\$21.12	\$91,979.26	\$44.22
29	\$52,126.19	\$25.06	\$116,336.90	\$55.93

Hourly wages will be determined on the basis of 2,080 hour per year. Firefighters, other than the Fire Chief shall be based on 2,920 hours per year.

Firefighter/EMTs represented by the bargaining unit shall be paid as provided in the Memorandum Agreement with the International Association of Firefighters Local #3309.

Police Officers represented by the bargaining unit shall be paid as provided in the Memorandum of Agreement with the Junction City Police Officer Association.

This resolution supersedes all prior resolutions for salaries of City employees and shall take effect on the 27th day of December 2010.

PASSED AND ADOPTED THIS 7th DAY OF DECEMBER, 2010.

Michael Rhodes, Mayor

ATTEST:

Tyler Ficken, City Clerk

DEPARTMENT	JOB TITLE	GRADE
PARKS & RECREATION	Concessions/Basket Clerk	12
PARKS & RECREATION	Golf Cart Attendant	12
PARKS & RECREATION	Lifeguard	12
PARKS & RECREATION	Spin City Clerk	12
PARKS & RECREATION	Assistant Pool Manager	14
PARKS & RECREATION	Pool Manager	14
PARKS & RECREATION	Pool Supervisor (Part Time)	14
PARKS & RECREATION	Recreation Supervisor (Part Time)	14
PARKS & RECREATION	Spin City Supervisor	14
PARKS & RECREATION	Custodian	15
PARKS & RECREATION	Pro Shop Clerk (Part Time)	15
PARKS & RECREATION	Groundskeeper	16
PARKS & RECREATION	Parks Maintenance Worker	16
POLICE	Animal Control Officer	18
PARKS & RECREATION	Assistant Golf Professional	18
POLICE	Code Enforcement Secretary	18
PUBLIC SERVICES	Court Clerk	18
PUBLIC SERVICES	Customer Service Representative	18
POLICE	DTF Secretary	18
PUBLIC WORKS	Engineer's Assistant	18
PUBLIC SERVICES	Meter Reader	18
PUBLIC SERVICES	Prosecutor's Secretary	18
POLICE	Records Clerk	18
PARKS & RECREATION	Parks & Recreation Secretary	18
PUBLIC WORKS	Codes Secretary	19
POLICE	Dispatcher	19
ECONOMIC DEV.	EDC Office Manager	19
PUBLIC WORKS	Engineering Secretary	19
PUBLIC WORKS	Inspector	19
POLICE	Investigation Secretary	19
MILITARY AFFAIRS	Military Affairs Administrative Assistant	19
DEPARTMENT	JOB TITLE	GRADE
PUBLIC SERVICES	Accounts Payable/Billing Clerk	20
ADMINISTRATION	City Manager's Secretary	20
FIRE	Fire Dept. Secretary/System Administrator	20
FIRE	Firefighter/EMT	20
POLICE	Police Chief Secretary	20

PUBLIC WORKS	Engineer Assistant/GIS Specialist	21
PARKS & RECREATION	Golf Professional	21
PUBLIC WORKS	Information Systems Specialist	21
POLICE	Police Officer	21
POLICE	Dispatch & Records Supervisor	21
PARKS & RECREATION	Recreation Building Coordinator	21
PUBLIC WORKS	Self-Help Housing Construction Supervisor	21
PUBLIC WORKS	Self-Help Housing Family Coordinator	21
PARKS & RECREATION	Spin City Facility Manager	21
PUBLIC SERVICES	City Treasurer	22
FIRE	Fire Captain	22
POLICE	Police Sergeant	22
ECONOMIC DEV.	Economic Development Retail Specialist	23
POLICE	Police Lieutenant	23
PARKS & RECREATION	Recreation Assistant Director	23
PUBLIC WORKS	Self-Help Housing Director	23
PARKS & RECREATION	Assistant Golf Superintendant	24
PUBLIC SERVICES	City Prosecutor	24
FIRE	Fire Battalion Chief	24
PARKS & RECREATION	Golf Professional	24
MILITARY AFFAIRS	Military Affairs Director	24
POLICE	Police Captain	24
PUBLIC SERVICES	Public Services Director	25
ECONOMIC DEV.	EDC Director	25
PUBLIC WORKS	Information Systems Director	25
PARKS & RECREATION	Opera House Manager	25
PARKS & RECREATION	Recreation Director	25
PARKS & RECREATION	Parks & Recreation Director	25
DEPARTMENT	JOB TITLE	GRADE
PUBLIC WORKS	Assistant City Manager	26
FIRE	Fire Chief	26
PARKS & RECREATION	Golf Director/Superintendent	26
PUBLIC WORKS	City Engineer	27
POLICE	Police Chief	27
ADMINISTRATION	City Manager	29

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City of Junction City

City Commission

Agenda Memo

December 1, 2010

From: Tricia Gowen, Public Services Director
To: Mayor & Commissioners
Subject: **Mark of Excellence Awards**

Objective: To recognize employees for Excellent Service with the City of Junction City.

Explanation of Issue

The purpose of the Mark of Excellence Award is:

1. To recognize individual employees for outstanding service to the City and/or the community.
2. To boost staff morale through tangible evidence of appreciation.
3. To support, praise, and encourage employees;

Employees are nominated for:

1. Outstanding service to the City, or
2. Service to the community, reflecting credit upon the City or
3. Outstanding achievement reflecting credit upon the City.

Nominees must have been employed with the City for at least one year and demonstrate excellence in their job performance.

Recommendation: I recommend the City Commission honor the employees who are eligible for these awards and have the Mayor present the awards at the December 7, 2010 City Commission meeting.

7a

City of Junction City

City Commission

Agenda Memo

November 16, 2010

From: Gerry Vernon, City Manager
To: City Commissioners
Subject: Fireworks Sales

Objective: Approval of this ordinance amendment will allow for the sale of fireworks within the corporate city limits of Junction City as controlled by the Fire Chief and regulated by Kansas Statutes.

Explanation of Issue: During the deliberation of the 2011 budget hearings, staff presented several avenues to enhance general fund revenues. One of the avenues was to allow for fireworks sales in the city to increase sales tax revenues. Additionally, staff is recommending a \$1,500.00 permit fee for each vendor that chooses to sell within the City. That fee is to ensure the proper regulation and inspection by the Fire Department.

Katie Logan, Chief Steinfort, Chief Brown, David Yearout, and I have collaborated to produce the ordinance for your consideration.

Budget Impact: Staff estimates that at least four permits will be requested for a positive impact on the budget of \$6,000.00. Additional sales tax increases would be positive but difficult to estimate.

Alternatives: The Commission could approve, deny, or postpone the item

Recommendation: Staff's recommendation is to approve the ordinance amendment

Enclosures: Ordinance

ORDINANCE NO. G-1086

**AN ORDINANCE RELATING TO THE SALE OF FIREWORKS BY AMENDING
TITLE II, PUBLIC HEALTH AND WELFARE, CHAPTER 210, FIRE
PREVENTION, ARTICLE IV, FIREWORKS, AND TITLE VI, BUSINESS AND
OCCUPATION, CHAPTER 655, SPECIAL EVENTS, OF THE CODE OF
ORDINANCES OF THE CITY OF JUNCTION CITY, KANSAS.**

WHEREAS, the governing body of the City of Junction City, Kansas, has determined it is the interests of the City to modify the restrictions on the sale of fireworks within the corporate limits of the City of Junction City, Kansas; and,

WHEREAS, the governing body has directed staff to evaluate the method that best manages the temporary sales locations for such fireworks sales operations.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY
OF JUNCTION CITY, KANSAS, that:**

Section 1. Chapter 210 of Title II the Code of Ordinances of the City of Junction City, Kansas is amended by deleting the existing Section 210.230 and the existing Section 210.270 and substituting therefor the following new Section 210.230 to read as follows:

210.230 SALE, STORAGE OR DISCHARGE OF FIREWORKS

- A. Fireworks. Except as hereinafter provided, it is unlawful for any person or entity to sell, store or discharge fireworks within the city limits of Junction City, Kansas. The term "fireworks" as used in the Code of Ordinances of the City of Junction City shall have the definition set forth in the regulations of the Fire Marshal of the State of Kansas.
- B. Sale and Storage. Fireworks may be sold and stored pursuant to rules and regulations established by the Chief of the Junction City Fire Department ("Fire Chief"), and subject to the obtaining the Special Event Permit from the Fire Chief as provided in Chapter 655 of the Code of Ordinances of the City of Junction City, Kansas.
- C. Discharge. Discharge of fireworks shall be permitted as follows:
 - 1. Fireworks that are legal to be sold within the City of Junction City, Kansas, may be discharged within the City limits of Junction City during the following times: from and including June twenty-seventh (27th) to and including July fifth (5th). On all weekdays during this period, except July fourth (4th), discharge of permitted fireworks is permitted from 8:00 a.m. to 10:00 p.m. only. On all weekend days during this period and on July fourth (4th), discharge of permitted fireworks is permitted from 8:00 a.m. to Midnight only.
 - 2. This Section does not apply to Heritage Park or any place within three hundred (300) feet of Heritage Park in any direction during the entire period of time of the "Sundown Salute" celebration, at which location and time no fireworks discharge is permitted. All other provisions of this Article IV shall remain in force and effect.

Section 2. Chapter 655 of Title IV the Code of Ordinances of the City of Junction City, Kansas is amended as follows:

A. Section 655.020, Special Event Defined, paragraph 4, Type 4., is amended by deleting the existing paragraph and substituting therefore a new paragraph 4 to read as follows:

4. *Type 4.* Commercial activities intended to sell, lease, rent or promote specific merchandise, services or product lines, such as a tent sale, trade show, farmers' market, Christmas tree sales, fireworks sales or product demonstration.

B. Section 655.040, Special Events Subject to an Administrative Permit, paragraph 2, is amended by deleting the existing paragraph and substituting therefore a new paragraph 2 to read as follows:

2. Special events meeting the Type 3 or Type 4 definition, and Type 1 events not meeting the standards of Section 655.030, may be permitted administratively by the Code Administrator subject to the prior review and approval of special arrangements for traffic and crowd control by the Police Chief, Fire Chief and City Engineer; provided, however, a Type 4 Special Event for the sale of fireworks may be approved only by the Fire Chief, subject to prior review and approval by other affected City departments and agencies. No administrative permit approved by the Code Administrator shall be issued unless all of the following performance standards are met:

- a. An application is made and a fee paid in accordance with Section 655.060.
- b. The special event will not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.
- c. The activity shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the event itself.
- d. The special event shall not endanger the public health, safety or welfare given the nature of the activity, its location on the site, and its relationship to parking and access points.
- e. The special event shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter or visual pollution.
- f. Any structure used in conjunction with the special event shall meet all sight distance requirements, shall be the subject of a valid zoning certificate, and shall be promptly removed upon the cessation of the event.
- g. The special event shall be conducted on private property where the property owner has granted the appropriate permission.

- h. The duration and hours of operation of the special event shall be consistent with the intent of the event and the surrounding land uses, but in no case shall the duration exceed ten (10) days.

No administrative permit approved by the Fire Chief for fireworks sales shall be issued unless all of the following performance standards are met:

- a. All applications for a permit to sell fireworks shall be submitted to the Fire Chief at least ten (10) days prior to the granting of such permit. No permits shall be granted prior to June 1st of the year in which fireworks will be sold pursuant to such permit. The sale of fireworks shall be permitted only during the times fireworks are allowed to be discharged as provided in Section 210.230 of this Code. The Special Event permit shall be posted on the site for the duration of the event authorized.
- b. Approval of the location upon which fireworks are to be stored and/or sold shall be made by the Fire Chief on any property except those zoned residentially; provided, however, that no such location shall be within seventy-five (75) feet of another location measured structure to structure and; provided further that, each such location upon which fireworks are to be sold shall provide for the public not less than one off-street parking stall per one hundred (100) square feet of sales structure floor area and adequate ingress and egress aisles. Fireworks shall not be stored or sold within fifty (50) feet of any source of flame, sparks or flammable or volatile liquids in excess of one gallon, except in stores where cleaners, paints and oils are handled in sealed containers only. A description of each location shall be provided to and approved by the Fire Chief of the City of Junction City, Kansas, prior to the issuance of a permit. Each vendor shall also furnish without cost to the city such flag-person and attendants as are necessary to insure the orderly parking of vehicles around each sale site, and shall in no way interfere with the normal flow of traffic on public roads. No vendor shall allow parking on public right-of-way around any site.
- c. Approval of all safety precautions and equipment at each sales site shall be provided by the Fire Chief; such precautions to include fire extinguishers and such other equipment as required by applicable state laws and regulations.
- d. Each vendor shall at all times indemnify and hold harmless the City of Junction City, Kansas, its officials, agents and employees from and against any and all claims, actions, damages, liability and expense including, but not limited to attorneys' and other professional fees, in connection with loss of life, personal injury and/or damage to property arising from or out of the storage, sale, discharge and/or transportation of fireworks by such vendor and vendor's customers, employees, contractors and agents.
- e. All fireworks stored or sold shall be of the type allowed by applicable state laws and regulations.

- f. All permits to sell fireworks issued pursuant to this section shall be in writing, shall contain thereon such restrictions as may have been imposed by the Fire Chief and shall be permanently displayed at each location upon which the fireworks are to be sold. Each permit so issued shall be valid through July sixth (6th) of the year in which it is issued.
- C. Section 655.060, Application and Fee, is amended by deleting the existing Section 655.060 and substituting therefore a new Section 655.060 to read as follows:

SECTION 655.060: APPLICATION AND FEE

- A. No special event permit shall be issued until an application has been submitted to the Code Administrator or Fire Chief and the appropriate fee paid. The application shall be made on forms provided by the Code Administrator or Fire Chief and shall be accompanied by the following items as applicable:
1. A letter from the applicant describing the proposed event, the hours of operation, the duration of the event, anticipated attendance, and any structures, signs or attention-attracting devices used in conjunction with the event.
 2. A sketch plan showing the location of the proposed activities, structures and signs in relation to existing buildings, parking areas, streets and property lines.
 3. A letter from the property owner or manager, if different from the applicant, agreeing to the special event.
- B. Each application for a special event permit shall be accompanied by an application fee, except that such fee shall be waived for any applicant registered with the State of Kansas as a non-profit organization. The fees shall be as established by the Governing Body by separate resolution; except that fees for the sale of fireworks to be approved by the Fire Chief shall be as follows:
1. A permit fee in the amount of one thousand five hundred dollars (\$1,500.00) per sales site, payable to the City, shall be paid with the application for a permit.
 2. Each vendor shall obtain a policy of general comprehensive liability insurance for a minimum coverage of five hundred thousand dollars (\$500,000.00) per occurrence, with the City of Junction City, Kansas, named as an additional insured; and shall provide the City with a copy of the certificate of such insurance. Such policy or policies shall not be cancelable by vendor upon less than thirty (30) days' notice.
 3. Each vendor shall obtain a policy of product liability insurance for a minimum coverage of five hundred thousand dollars (\$500,000.00) per occurrence for products sold and/or stored within the City by the vendor, and shall provide the City with a copy of the certificate of such insurance. Such policy or policies shall not be cancelable by vendor upon less than thirty (30) days' notice.

C. The special event permit shall be posted on the site for the duration of the event.

Section 4. All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication in the official City newspaper, all as provided by law.

PASSED AND ADOPTED by the Governing Body of the City of Junction City, Kansas, this _____ day of December, 2010.

(Seal)

Mike Rhodes, Mayor

ATTEST

Tyler Ficken, City Clerk

City of Junction City

City Commission

Agenda Memo

November 8, 2010

From: David L. Yearout, AICP, Director of Planning and Zoning

To: City Commission & Gerry Vernon, City Manager

Subject: Text Amendment to the Junction City Zoning Regulations (G-1083 attached)

Issue: Consideration of ordinance (**G-1083**) adopting recommendation of Junction City/Geary County Metropolitan Planning Commission (MPC) to amend the Junction City Zoning Regulations.

Explanation of Issue: The Metropolitan Planning Commission held a public hearing on October 14, 2010, to consider amending the Junction City Zoning Regulations concerning the definition of "family day care homes" within the City. This amendment was initiated by the MPC and staff in response to changes in the state rules and regulations. The MPC has unanimously recommended the amendment be approved.

Alternatives: In accordance with K.S.A. 12-757, the City Commission has the following alternatives for text amendments on first appearance:

1. To accept the recommendation of the MPC and approve the first reading of the Ordinance.
2. Modify the recommendation of the Planning Commission by a 2/3 majority vote and approve the first reading of the Ordinance as so modified.
3. Return the recommendation to the Planning Commission for further consideration, specifying the items, concerns or issues with said recommendation.
4. Disapprove the recommendation of the Planning Commission by a 2/3 majority vote and not accept the text amendments.

Staff Recommendation: Accept the recommendation of the MPC and approve the first reading of the Ordinance.

Suggested Motion:

Commissioner _____ moved that the recommendation of the Planning Commission be accepted and that Ordinance No. G-1063, an ordinance amending the Zoning Regulations of Junction City, Kansas, be approved on first reading.

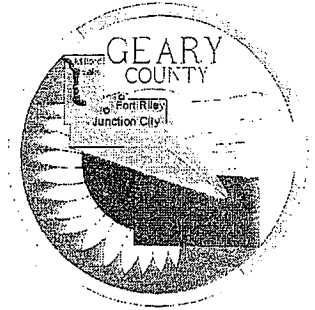
Commissioner _____ seconded the motion.

Enclosures:

Staff Report
Ordinance G-1083



JUNCTION CITY/GEARY COUNTY
METROPOLITAN PLANNING COMMISSION
BOARD OF ZONING APPEALS



STAFF REPORT

October 12, 2010

TO: Metropolitan Planning Commission / Board of Zoning Appeals

FM: David L. Yearout, AICP, Director of Planning and Zoning

SUBJECT: TA-10-01-10 – Day Care Provisions in City and County Zoning Regulations

Background: At the direction of the Metropolitan Planning Commission, staff published for a public hearing at the October, 2010, meeting for consideration of amendments to both the City and County Zoning Regulations concerning the manner in which day care operations are addressed. This was the result of changes in state law concerning the elimination of the “registered family day care home” and require that all home-based day care facilities be “licensed.” The changes in the state law became effective on July 1, 2010, and KDHE has been automatically changing all day care homes to the “licensed” category as the annual renewals have been processed. By the terms of this classification changes, every day care home in Junction City and Geary County would be required to go through the Conditional Use Permit process, regardless of whether the operators intend to increase the number of children cared for up to the limit of 10.

As you will recall, amendments were made to the City and County regulations at the beginning of this year in order to resolve the conflict between the “registered” designation allowed by right in the Zoning Regulations and the requirements of the military to have all day care facilities off post be licensed by the State. That system was working and, save for some administrative “bugs” to work out, was dealing with the issues within the City and County. The changes in State law has resulted in the need to change again.

Staff is recommending we simply modify the language in the changes made earlier this year to establish the “family day care home” category that will be limited to no more than 6 children regardless of the fact the facility may have a license from the State of Kansas. We will require that acknowledgement on the application required for “certification” under the Day Care Inspection Code for both the City and County, which will allow these facilities to remain in compliance with the provisions of the Zoning Regulations for the City and County. We will also make changes to the Day Care Inspection Codes for the City and County to match the language within this text change to the Zoning Regulations.

Zoning Regulation Amendments

The following is the proposed language to be inserted into both the City and County Zoning Regulations at the appropriate places. The language will cover definitions, zoning requirements, and performance standards under the zoning provisions.

The following definitions are proposed for the City and County Zoning Regulations as replacements of all definitions:

Definitions:

FAMILY DAY CARE HOME: A Licensed Day Care Home, as defined in K.A.R. 28-4-113, and amendments thereto, maintained for the purpose of providing children with food or lodging, or both, away from such children's home or homes, for less than 24 hours a day, but which shall comply with the following:

1. Not more than six of the children cared for at such place are less than 16 years of age; and
2. Not more than three of the children cared for at such place are less than 18 months of age.

Any child of a person maintaining a Family Day Care Home shall count toward the limitations of the number of children permitted if such child is less than 12 years of age and is cared for at such place. A person shall not be considered to be maintaining a family day care home if only children who are related by blood, marriage or legal adoption to such person are cared for.

Inspection Requirements

As previously stated, the Day Care Inspection Codes will be amended in order to make the same definition change to those Codes so they conform to the Zoning Regulations.

Staff Recommendation: Staff recommends the MPC recommend approval of these amendments to the Junction City and Geary County Zoning Regulations.

SAMPLE MOTION:

I move that the proposed amendments to the Junction City and Geary County Zoning Regulations establishing a Family Day Care Home category to allow these facilities to be permitted in accordance with the existing requirements of the Zoning Regulations for Junction City and Geary County be recommended for adoption by the City Commission of the City of Junction City and the Board of County Commissioners of Geary County.

ORDINANCE NO. G-1083

AN ORDINANCE AMENDING TITLE IV. LAND USE, CHAPTER 400: ZONING - GENERAL PROVISIONS, ARTICLE I, TITLE- INTENT AND PURPOSE - DEFINITIONS, SECTION 400.030, DEFINITIONS, OF THE MUNICIPAL CODE OF THE CITY OF JUNCTION CITY, KANSAS.

WHEREAS, the Junction City – Geary County Metropolitan Planning Commission did on October 14, 2010, conduct a public hearing on the proposed amendment to the Junction City Zoning Regulations pertaining to amending the definitions section of said Zoning Regulations regarding Family Day Care Homes; and,

WHEREAS, this City Commission has reviewed the record of said Metropolitan Planning Commission meeting and thoroughly discussed the recommendation made therein.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

Section 1. Section 400.030, DEFINITIONS, is hereby amended by deleting the terms “FAMILY DAY CARE HOME”, and by adding the definitions of the following terms:

FAMILY DAY CARE HOME: A Licensed Day Care Home, as defined in K.A.R. 28-4-113, and amendments thereto, maintained for the purpose of providing children with food or lodging, or both, away from such children's home or homes, for less than 24 hours a day, but which shall comply with the following:

1. Not more than six of the children cared for at such place are less than 16 years of age; and
2. Not more than three of the children cared for at such place are less than 18 months of age.

Any child of a person maintaining a Family Day Care Home shall count toward the limitations of the number of children permitted if such child is less than 12 years of age and is cared for at such place. A person shall not be considered to be maintaining a family day care home if only children who are related by blood, marriage or legal adoption to such person are cared for.

Section 2. This Ordinance shall be in full force and effect from and after its publication once in the Junction City Daily Union.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2010.

MIKE RHODES, MAYOR

ATTEST:

TYLER FICKEN, CITY CLERK

City of Junction City

City Commission

Agenda Memo

January 27, 2010

From: David L. Yearout, AICP, Director of Planning and Zoning

To: City Commission & Gerry Vernon, City Manager

Subject: Amendment to Chapter 585, Day Care Inspection Code of the Junction City Municipal Code (G-1084 attached)

Issue: Consideration of ordinance (G-1084) amending the Title V, Building and Construction, Chapter 585, Day Care Inspection Code of the Municipal Code of the City of Junction City by amending the definition of "Family Day Care Home."

Explanation of Issue: In conjunction with the text amendment to the Zoning Regulations, staff has prepared an amendment to the Day Care Inspection Code of the City of Junction City. The Metropolitan Planning Commission included discussion of this matter during the public hearing on October 14, 2010, concerning the amendments the Junction City Zoning Regulations. The primary action is to amend the definition of a "family day care home" so that category of operation will remain. The MPC recommended this amendment be approved in conjunction with the text amendments to the Zoning Regulations.

Alternatives:

1. Approve the first reading of the Ordinance.
2. Modify and approve the first reading of the Ordinance as so modified.
3. Disapprove the Ordinance.

Staff Recommendation: Approve the first reading of the Ordinance.

Suggested Motion:

Commissioner _____ moved that the Ordinance No. G-1084, an ordinance amending the Municipal Code of Junction City, Kansas, by amending Chapter 585, the Day Care Inspection Code by changing a definition of Family Day Care Home on first reading.

Commissioner _____ seconded the motion.

Enclosures:

Staff Report
Ordinance G-1084

ORDINANCE NO. G-1084

AN ORDINANCE AMENDING TITLE V, BUILDING AND CONSTRUCTION, CHAPTER 585, DAY CARE INSPECTION CODE, OF THE MUNICIPAL CODE OF THE CITY OF JUNCTION CITY, KANSAS.

WHEREAS, the City Commission has established a Day Care Inspection Code for the City of Junction City, Kansas; and,

WHEREAS, a change in definitions has been necessitated due to changes in the State Statutes concerning Day Care operations.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

Section 1. TITLE V, BUILDING AND CONSTRUCTION, Chapter 585, Day Care Inspection Code of the Municipal Code of the City of Junction City, Kansas, is hereby amended by deleting the existing definition of "Family Day Care Home" and replacing it with the definition as follows:

Section 585.010: Definitions.

A. "Family Day Care Home" means a Licensed Day Care Home, as defined in K.A.R. 28-4-113, and amendments thereto, maintained for the purpose of providing children with food or lodging, or both, away from such children's home or homes, for less than 24 hours a day, but which shall comply with the following:

1. Not more than six of the children cared for at such place are less than 16 years of age; and
2. Not more than three of the children cared for at such place are less than 18 months of age.

Any child of a person maintaining a Family Day Care Home shall count toward the limitations of the number of children permitted if such child is less than 12 years of age and is cared for at such place. A person shall not be considered to be maintaining a family day care home if only children who are related by blood, marriage or legal adoption to such person are cared for.

Section 2. This Ordinance shall be in full force and effect from and after its publication once in the Junction City Daily Union.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2010.

TERRY HELDSTAB, MAYOR

ATTEST:

TYLER FICKEN, CITY CLERK

City of Junction City

City Commission

Agenda Memo

November 8, 2010

From: David L. Yearout, AICP, Director of Planning and Zoning

To: City Commission & Gerry Vernon, City Manager

Subject: Case No. Z-10-01-10 – Rezoning of 107 South Franklin Street ("RM" Multiple-Family Residential to "CSR" Service Commercial Restricted) – Auto Craft, Inc., Contract Buyer (S-3088)

Issue: Consideration of request to rezone the property at 107 South Franklin Street filed by Gary Junghans, owner, and Auto Craft, Inc., contract buyer.

Explanation of Issue: The Metropolitan Planning Commission held a public hearing on October 14, 2010, to consider the petition of Gary Junghans, owner, and Auto Craft, Inc., contract buyer, to rezone the property at 107 South Franklin Street from "RM" Multiple-Family Residential to "CSR" Service Commercial Restricted. The purpose of the rezoning is to make the zoning consistent with the balance of the property being acquired by Auto Craft, Inc. This property will remain in residential use for some time, but ultimately will convert to commercial uses. By unanimous vote, the MPC has recommended the rezoning be granted.

Alternatives: In accordance with K.S.A. 12-757, the City Commission has the following alternatives for a rezoning application on first appearance:

1. To accept the recommendation of the MPC and approve the Ordinance, thereby rezoning the property.
2. Modify the recommendation of the Planning Commission by a 2/3 majority vote and approve the Ordinance as so modified, thereby rezoning the property subject to said changes.
3. Return the recommendation to the Planning Commission for further consideration, specifying the items, concerns or issues with said recommendation.
4. Disapprove the recommendation of the Planning Commission by a 2/3 majority vote and not rezone the property.

Staff Recommendation: Accept the recommendation of the MPC and approve the Ordinance, thereby rezoning the property.

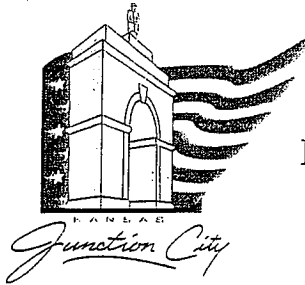
Suggested Motion:

Commissioner _____ moved that the recommendation of the Planning Commission be accepted and that Ordinance No. S-3088, an ordinance rezoning property at 107 South Franklin Street, more particularly described as Lots 6 and 7, Block A; Schnell's Addition to Junction City, Geary County, Kansas, from "RM" Multiple-Family Residential to "CSR" Service Commercial Restricted be approved on first reading.

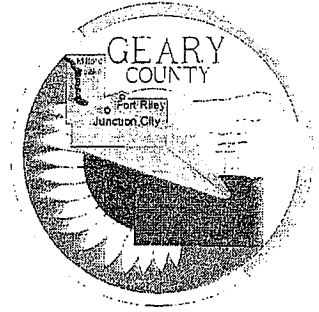
Commissioner _____ seconded the motion.

Enclosures:

MPC Minutes of October 14, 2010
Staff Report
Ordinance S-3088



JUNCTION CITY/GEARY COUNTY
METROPOLITAN PLANNING COMMISSION
BOARD OF ZONING APPEALS



STAFF REPORT

October 12, 2010

TO: Metropolitan Planning Commission / Board of Zoning Appeals

FM: David L. Yearout, AICP, Director of Planning and Zoning

SUBJECT: Z-10-01-10 – Request of Ed Roberts, agent, and Auto Craft, Inc./Phil Turner, contract buyer, on behalf of G. L. Real Estate Ventures, owner, to rezone property at 107 South Franklin Street from “RM” Multiple Family Residential to “CSR” Service Commercial Restricted.

This is the request of Ed Roberts, agent, and Auto Craft, Inc./Phil Turner, contract buyer, on behalf of G. L. Real Estate Ventures, owner, to rezone property at 107 South Franklin Street from “RM” Multiple Family Residential to “CSR” Service Commercial Restricted. This is the property immediately west of the properties that were rezoned earlier this year to allow the establishment of the Auto Craft facility on East Chestnut Street. This property is being acquired so Auto Craft can own all the property fronting on Chestnut Street. The applicant has indicated the usage may remain residential for some time, but if the business is successful this will allow expansion at the same location.

Staff believes this is a reasonable zoning classification for this property. Chestnut Street is becoming much more commercial in nature and should be encouraged to continue to develop in that manner. Additionally, this brings all the adjoining property on Chestnut into the same zoning classification, which should provide a higher quality of redevelopment for the area.

Staff Recommendation: Staff recommends the request of Ed Roberts, agent, and Auto Craft, Inc./Phil Turner, contract buyer, on behalf of G. L. Real Estate Ventures, owner, to rezone property at 107 South Franklin Street from “RM” Multiple Family Residential to “CSR” Service Commercial Restricted be recommended for approval.

Suggested Motion:

I move that Case No. Z-10-01-10, concerning the request of Ed Roberts, agent, and Auto Craft, Inc./Phil Turner, contract buyer, on behalf of G. L. Real Estate Ventures, owner, to rezone property at 107 South Franklin Street from “RM” Multiple Family Residential to “CSR” Service Commercial Restricted be recommended for approval by the City Commission based on the reasoning stated in the staff report and as presented at this public hearing.

ORDINANCE NO. S-3088

AN ORDINANCE RELATING TO PROPERTY LOCATED AT 107 SOUTH FRANKLIN STREET AND MORE PARTICULARLY DESCRIBED AS LOTS SIX (6) AND SEVEN (7), BLOCK A (A), SCHNELL'S ADDITION TO JUNCTION CITY, KANSAS, REZONING SAID PROPERTY FROM MULTIPLE-FAMILY RESIDENTIAL (RM) DISTRICT TO SERVICE COMMERCIAL RESTRICTED (CSR), ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS.

WHEREAS, application has been made by the owner, through the contract buyer, to rezone certain property within the City of Junction City, Kansas; and,

WHEREAS, proper notice has been given by publication of legal notice and by mailed notice to surrounding property owner in conformance with K.S.A. 12-757; and,

WHEREAS, the Junction City/Geary County Metropolitan Planning Commission held a public hearing on the application and, by a majority vote of members present, recommended the property in question be rezoned;

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

Section 1. That the property, situated at 107 South Franklin Street within the City of Junction City, Geary County, Kansas, and described as follows:

DESCRIPTION:

LOTS SIX (6) AND SEVEN (7), BLOCK A (A), SCHNELL'S ADDITION TO JUNCTION CITY, KANSAS.

be, and the same is, hereby ordered rezoned from its present classification of Multiple-Family Residential (RM) to Service Commercial Restricted (CSR) as provided in K.S.A. 12-757.

Section 2. The Zoning Administrator of the City of Junction City, Kansas is hereby ordered and directed to cause said designation to be made on the Official Zoning Map of said City in his custody and to show the property herein described to be zoned as Service Commercial Restricted (CSR).

Section 3. This Ordinance shall be in full force and effect from and after its publication once in the Junction City Daily Union.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2010.

MICHAEL RHODES, MAYOR

ATTEST:

TYLER FICKEN, CITY CLERK

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City of Junction City

City Commission

Agenda Memo

December 7, 2010

From: Mark Karmann, Code Enforcement
To: Gerry Vernon, City Manager and the City Commissioners
Subject: **305 N. Madison – Condemnation.**

Objective: Consideration of condemnation of the structure at 305 N Madison.

Explanation of Issue: On January 19, 2010 the City Commissioners approved R-2590, to set March 2, 2010 for a Public Hearing. R-2590 was sent to the property owner of record and was published in The Daily Union on January 23, 2010 and January 30, 2010. On March 2, 2010 John Day represented the property. The Commissioners agreed to a 3 month extension of the condemnation hearing. On June 15, 2010 the Commissioners were presented with the condemnation again. John Day represented the property and stated that the property was still under probate. The Commissioners agreed to a 30 day extension, July 30, 2010 John Day presented the Commissioners with a plan of action, the Commissioners approved R-2594 and gave the property owner 120 days to repair structure. Improvements have been made, but structure is still not entirely repaired. City Staff would like to keep this structure on the condemnation list but give the property owner another 60 days to make sure repair is completed.

Budget Impact: If process continues, it may cost as much as \$10,000.00 to demolish and clean up this property. The project will be funded through 01-5-22-00-0706 (General Fund, Demolition Removal). \$1,500.00 was budgeted for 2010. Costs will be billed to the property owner and will reimburse any charges to this account.

Alternatives: It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission may:

1. Approve the extension of 60 days and review the condemnation on February 15, 2011.
2. Disapprove the extension and order the demolition of the structure.
3. Disapprove the extension and remove property from condemnation process.
4. Modify the proposal.
5. Table the request.

Recommendation: Staff recommends the Commission approve the extension of 60 days and review condemnation on February 15, 2011.

Enclosures:

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City of Junction City

City Commission

Agenda Memo

November 29, 2010

From: Tyler Ficken, City Clerk
To: City Commissioners
Subject: Ordinance G-1091 Record copy & research fees update

Objective: Ordinance G-1091 to amend section "100.040 PUBLIC RECORDS – ACCESS TO AND COPYING" an update resulting from new methods to copy and send records and to establish reasonable fees and charges.

Explanation of Issue: The purpose of charging the public for record searching and record copies is to "avoid the necessity of using general public funds of the City to subsidize special services and benefits to a record requester." To that end, it is the goal of this update is to recover the costs associated with record searches, inspections, and copying.

Fees for staff time and copies have not been increased since 1986 when the ordinance was first adopted. Since that time, staff costs have increased, and new methods to copy, print, and send records are available. Approval of G-1091 will allow City staff to provide records in a modern way at an appropriate cost to the requester. Specialized Records and costs have been included in the ordinance; these records typically originate from the Engineering Department, and require a plotter to print.

Budget Impact: If the fee increases were in place for the prior calendar year, the City would have recovered an additional \$3,294.15.

Alternatives:

Approve G-1091 on first reading.

Disapprove G-1091

Amend G-1091

Recommendation: Staff's recommendation is to approve G-1091

Enclosures: G-1091, marked section 100.040

ORDINANCE NO. G-1091

AN ORDINANCE AMENDING TITLE I, CHAPTER 100, SECTION 100.040 PUBLIC RECORDS – ACCESS TO AND COPYING OF THE CODE OF ORDINANCES OF THE CITY OF JUNCTION CITY, KANSAS

WHEREAS, the Commission finds it in the public interest to adopt this ordinance which amends section 100.040 to update due to advances in record copying and to establish reasonable fees and charges.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

SECTION I. SECTION 100.040: PUBLIC RECORDS – ACCESS TO AND COPYING is amended to read as follows:

SECTION 100.040: PUBLIC RECORDS – ACCESS TO AND COPYING

- A. *Statement of Purpose—Review.* It is the purpose of this Section to establish reasonable fees and charges for the provision of access to or copies of open public records in the possession of the City to avoid the necessity of using general public funds of the City to subsidize special services and benefits to a record requester. The City Manager shall periodically recommend to the Governing Body such changes in this Section as may be necessary to secure this purpose.
- B. *Inspection And Research Fees.*
 - 1. Where a request has been made for inspection of any open public record which takes the record custodian less than 15 minutes to complete, there shall be no inspection fee charged to the requester.
 - 2. In all cases not covered by Subparagraph (1) of this Subsection, a record inspection fee shall be charged at the rate of fifteen dollars (\$15.00) per hour per employee engaged in the record search. A minimum charge of seven dollars fifty cents (\$7.50) shall be charged for each such request.
- C. *Copying and Electronic Access Fees*
 - 1. A fee of twenty-five cents (\$.25) per page shall be charged for photocopying or providing electronic copies of public records, except Police, Fire, and specialized records, such fee to cover the cost of labor, materials and equipment.
 - 2. For copying any public records which cannot be reproduced by the City's photocopying equipment, except for Police Department records, the requester shall be charged the

actual cost to the City, including staff time as provided in paragraph B.2. of this section, in reproducing such records.

3. For copying, electronic copies, and electronic access to public records in the custody of the Junction City Police Department and the Junction City Fire Department, and specialized records the following fees to cover the cost of labor, materials and equipment, shall be charged:

- a. Front page of case/fire report. \$5.00 per report*
- b. Accident reports. \$8.00 per report*
- c. Additional pages of criminal reports and fire reports. \$1.00 per page**
- d. Electronic Media (video, audio recordings, photographs) \$25.00 (per case)***
- e. Specialized Records:

Prints	Color	Black & White
Arch A (8.5" X 11")	\$1.50	\$.50
Arch B (11" X 17")	\$2.00	\$.75
Arch C (18" X 24")	\$3.00	\$ 2.50
Arch D (24" X 36")	\$5.00	\$ 5.00
Arch E (36" X 48")	\$10.00	\$10.00
Scanning		
Arch A & B	\$2.00	
Arch C, D, E	\$5.00	
Production of Custom Maps		
Arch A (8.5" X 11")	Print Cost + (per hr rate section B2)	
Arch B (11" X 17")	Print Cost + (per hr rate section B2)	
Arch C (17" X 24")	Print Cost + (per hr rate section B2)	
Arch D (24" X 36")	Print Cost + (per hr rate section B2)	
Arch E (36" X 48")	Print Cost + (per hr rate section B2)	
Digital Information		
Junction City Street Map	\$250.00	

Arial (Mr. Sid Format)	\$250.00
Arial Map Panel (JPG Format) 1X	\$100.00

* If mailed and postage and envelope not furnished the cost is one dollar (\$1.00) extra, if faxed long distance the cost is one dollar (\$1.00) extra.

** This will only be for attorneys who are retained to defend a subject in court. The investigation report is not public information and will otherwise have to be subpoenaed.

*** All electronic media will be provided on DVD or CD Disc.

4. For copying health care records in the custody of the Fire Department, the following copy fees shall be charged:
 - a. In accordance with K.S.A. 65-4971, a fee will be charged to cover the cost of supplies and labor.
 - b. These fees shall be increased each year by action of the Secretary of the Kansas Department of Labor in accordance with the above cited Statute.

D. Prepayment of Fees.

1. A record custodian may demand prepayment of the fees established by this Section whenever he/she believes this to be in the best interest of the City. The prepayment amount shall be an estimate of the total charges accrued in fulfilling the record request. Any overage or underage in the prepayment shall be settled prior to inspection of the requested record or delivery of the requested copies.
2. Prepayment of inspection and/or copying fees shall be required whenever, in the best estimate of the record custodian, such fees are estimated to exceed fifty dollars (\$50.00).
3. Where prepayment has been demanded by the record custodian, no record shall be made available to the requester until such prepayment has been made.

E. *Payment.* All fees charged under this Section shall be paid to the custodian of the records inspected and/or copied unless the requester has established an account, for the purposes of billing and payment, with the City. All fees received shall be paid to the City Treasurer whenever the amount of fees collected totals one hundred dollars (\$100.00), but not less than monthly.

F. *Changes To Fee Amounts.* Hereafter, the City Commission may change any or all of the fees herein proscribed by duly approved resolutions of the City Commission. (Ord. No. G-

628 §§1—5, 1-21-86; Ord. No. G-773 §1, 1-21-91; Ord. No. G-840 §§1—2, 9-19-95; Ord. No. G-975 §1, 10-20-04; Ord. No. G-975 §1, 10-20-04)

SECTION II. Former Section 100.040 is hereby repealed.

SECTION III. This ordinance shall become effective upon its publication once in the Junction City Daily Union.

PASSED AND ADOPTED THIS DECEMBER 21, 2010

Mike Rhodes
Mayor

ATTEST:

Tyler Ficken
City Clerk

ARTICLE III. PUBLIC RECORDS

SECTION 100.040:

PUBLIC RECORDS—ACCESS TO AND COPYING

A. *Statement of Purpose—Review.* It is the purpose of this Section to establish reasonable fees and charges for the provision of access to or copies of open public records in the possession of the City to avoid the necessity of using general public funds of the City to subsidize special services and benefits to a record requester. The City Manager shall periodically recommend to the Governing Body such changes in this Section as may be necessary to secure this purpose.

B. *Inspection And Research Fees.*

1. ~~Where a request has been made for inspection of any open public record which takes the record custodian less than 15 minutes to complete, there shall be no inspection fee charged to the requester.~~
2. ~~In all cases not covered by Subparagraph (1) of this Subsection, a record inspection fee shall be charged at the rate of fifteen dollars (\$15.00) per hour per employee engaged in the record search. A minimum charge of seven dollars fifty cents (\$7.50) shall be charged for each such request.~~

C. *Copying and Electronic Access Fees*

1. ~~A fee of twenty-five cents (\$.25) per page shall be charged for photocopying or providing electronic copies of public records, except Police, Fire, and specialized records, such fee to cover the cost of labor, materials and equipment.~~
2. ~~For copying any public records which cannot be reproduced by the City's photocopying equipment, except for Police Department records, the requester shall be charged the actual cost to the City, including staff time as provided in paragraph B.2. of this section, in reproducing such records.~~
3. ~~For copying, electronic copies, and electronic access to public records in the custody of the Junction City Police Department and the Junction City Fire Department, and specialized records the following fees to cover the cost of labor, materials and equipment, shall be charged:~~
 - a. ~~Front page of case/fire report. \$5.00 per report*~~
 - b. ~~Accident reports. \$8.00 per report*~~
 - c. ~~Additional pages of criminal reports \$1.00 per page** and fire reports.~~
 - d. ~~Electronic Media (video, audio recordings, photographs) \$25.00 (per case)***~~
 - e. ~~Specialized Records~~

Prints	Color	Black & White
Arch A (8.5" X 11")	\$1.50	\$.50
Arch B (11" X 17")	\$2.00	\$.75
Arch C (18" X 24")	\$3.00	\$2.50

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~~Deleted:~~ six dollars fifty cents (\$6.50) per hour per employee engaged in the record search. A minimum charge of five dollars (\$5.00) shall be charged for each such request.

~~Deleted:~~ 3. . . Where a request has been made for open public records which are not readily available or require unreasonable effort to locate, a research fee of fifteen dollars (\$15.00) may be charged in the same manner as required in Subsection (D) of this Section.¶

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\$5.00 each (5 x 7)¶
\$3.00 each (3 x 5)

~~Deleted:~~ Photographs developed outside the department. . (Developing Cost)

Arch D (24" X 36")	\$5.00	\$ 5.00
Arch E (36" X 48")	\$10.00	\$10.00
Scanning		
Arch A & B	\$2.00	
Arch C, D, E	\$5.00	
Production of Custom Maps		
Arch A (8.5" X 11")	Print Cost + (per hr rate section B2)	
Arch B (11" X 17")	Print Cost + (per hr rate section B2)	
Arch C (17" X 24")	Print Cost + (per hr rate section B2)	
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Arch E (36" X 48")	Print Cost + (per hr rate section B2)	
Digital Information		
Junction City Street Map	\$250.00	Formatted: Left
Arial (Mr. Sid Format)	\$250.00	Formatted: Left
Arial Map Panel (JPG Format) 1X	\$100.00	Formatted: Left

* If mailed and postage and envelope not furnished the cost is one dollar (\$1.00) extra, if faxed long distance the cost is one dollar (\$1.00) extra.

** This will only be for attorneys who are retained to defend a subject in court. The investigation report is not public information and will otherwise have to be subpoenaed.

*** All electronic media will be provided on DVD or CD Disc.

4. For copying health care records in the custody of the Fire Department, the following copy fees shall be charged:

a. In accordance with K.S.A. 65-4971, a fee will be charged to cover the cost of supplies and labor.

b. These fees shall be increased each year by action of the Secretary of the Kansas Department of Labor in accordance with the above cited Statute.

D. Prepayment of Fees.

1. A record custodian may demand prepayment of the fees established by this Section whenever he/she believes this to be in the best interest of the City. The prepayment amount shall be an estimate of the total charges accrued in fulfilling the record request. Any overage or underage in the prepayment shall be settled prior to inspection of the requested record or delivery of the requested copies.

2. Prepayment of inspection and/or copying fees shall be required whenever, in the best estimate of the record custodian, such fees are estimated to exceed fifty dollars (\$50.00).

3. Where prepayment has been demanded by the record custodian, no record shall be made available to the requester until such prepayment has been made.

E. Payment. All fees charged under this Section shall be paid to the custodian of the records inspected and/or copied unless the requester has established an account, for the purposes of billing and payment,

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Deleted: For records routinely duplicated on a standard photocopy machine, the fee per page will be fifty cents (\$.50) for the first two hundred fifty (250) pages and thirty-five cents (\$.35) thereafter. Such records that cannot be routinely duplicated on a standard photocopy machine will be provided, per page, as stated in Subsection (C)(2) above.

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with the City. All fees received shall be paid to the City Treasurer whenever the amount of fees collected totals one hundred dollars (\$100.00), but not less than monthly.

- F. *Changes To Fee Amounts.* Hereafter, the City Commission may change any or all of the fees herein proscribed by duly approved resolutions of the City Commission. (Ord. No. G-628 §§1-5, 1-21-86; Ord. No. G-773 §1, 1-21-91; Ord. No. G-840 §§1-2, 9-19-95; Ord. No. G-975 §1, 10-20-04; Ord. No. G-975 §1, 10-20-04)

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City of Junction City

City Commission

Agenda Memo

December 7, 2010

From: Gerry Vernon, City Manager
To: City Commission
Subject: Ordinance relating to building permits

Objective: Approval of this ordinance will allow a building permit to be issued upon verification that all real property taxes and special assessment payments against the property for which the permit is requested have been paid in full. This provision will be effective until December 31, 2011.

Explanation of Issue: Last February the Commission amended the building permit ordinance to require that all back property tax and special assessment payments on all properties owned by the applicant to be paid in full before a single building permit could be issued to the applicant. The intent was to hold property owners accountable and to lower the default rate on property tax and special assessment payments.

Staff believes this amendment has had the opposite effect and has created a barrier for owners of lots to develop them. Banks will not loan money to builders for back taxes and specials on properties that are not being built on. Without financing the builders are unable to construct new homes and sell them to owners who ultimately will pay property tax and special assessment payments. Some builders may be subverting the ordinance by "selling" or transferring title of certain properties to other individuals. This creates the ability for a building permit to be pulled on that property. It is very difficult for staff to prove legal transfer of property so a loophole is created in the existing ordinance.

Market fluctuations make comparisons of one year to the next difficult. Staff believes that the ordinance has hindered and slowed the building of new homes and therefore recommends that the existing ordinance be modified to revert back to the original intent of the ordinance. The amendment is written to be in effect until December 31, 2011 thus creating a "moratorium" or trial period of one year. The program can be evaluated at that time.

Staff believes that the property tax default rate issue can only be solved one building permit at a time and therefore it is in the City's best interest to provide and foster an economic environment for builders and property owners to develop properties already served by existing infrastructure.

Budget Impact: The 2011 Budget was developed with a 60% default rate of special assessment payments. Any reduction in that default rate will have a positive impact on the budget.

Alternatives: The Commission may approve, deny, or postpone this item.

Recommendation: Staff recommends approval of this ordinance revision.

ORDINANCE NO. G-1093

AN ORDINANCE RELATING TO BUILDING PERMIT APPLICATIONS
REPLACING THE EXISTING SECTION 500.060 WITH THE FOLLOWING NEW
SECTION 500.060 TO ARTICLE II OF TITLE V OF THE CODE OF ORDINANCES
OF THE CITY OF JUNCTION CITY, KANSAS.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION
CITY, KANSAS:**

Section 1. Existing section 500.060 of Article II of Title V of the Code of Ordinances of the City of Junction City, Kansas, is deleted in its entirety and replaced with the following:

SECTION 500.060: PERMITS

1. Permits for the erection, alteration or enlargement of any building or improvement to be located on any parcel (the "parcel") of real estate within the City may be issued by the City Manager or his/her representative who may require that there first be filed by or on behalf of the Applicant therefore (defined below) a plat in duplicate drawn to scale and in such form as may be prescribed by the City Manager. The drawing shall include:

- A. Location and actual dimensions of the lot to be occupied.
- B. Location and dimensions of any existing easements.
- C. The dimensions and location on the lot of the building or improvement to be erected, altered or enlarged.
- D. Rear lot elevations (not required for fencing plans).
- E. Front Elevations at property line extended to curbline.
- F. Landscaping and/or screening, if required.
- G. Proposed drainage patterns
- H. All finished floor elevations.
- I. Proposed fence locations.
- J. Proposed erosion control features.
- K. Locations of proposed water and sanitary sewer.
- L. Proposed Sidewalk location, if required.
- M. A true statement in writing, signed by the applicant, must be submitted showing the use for which such building is arranged, intended or designed and furnishing such other information as the City Manager may require for the enforcement of the provisions of this Section. Any failure to comply with the provisions of this Section or any other ordinance shall be good cause for the revocation of any such building permit by the Governing Body. A record of such applications and plats shall be kept in the office of the Fire Department/Inspection Department.

N. Additional information may be required as necessary by the Codes Administrator for any permit application or as required in these regulations, such as

- i. Existing contours
- ii. Proposed contours
- iii. Drainage Plan.

2. In addition to the requirements of Section 1 above, from and after the effective date of this Ordinance and until December 31, 2011, a building permit shall not be issued unless the City receives a copy of receipts or other form of verification from the county treasurer, confirming that all real property taxes and installments of special assessments against the property for which the permit is requested, have been paid in full. As for building permits issued prior to December 31, 2011, such building permits shall be revoked if the property taxes and installments of special assessment on the property for which the permit is issued become delinquent prior to the completion of the building.

3. In addition to the requirements of Section 1 above, from and after January 1, 2012, a building permit shall not be issued unless the following conditions with respect to the Applicant are satisfied:

- A. Each individual or entity (defined below) included in the definition of "Applicant" below, must furnish to the City a certificate, signed by the applicable individual or entity, under penalty of perjury, which identifies all real property owned by the individual or entity within the City, and for each property listed, the Applicant must furnish to the City a copy of receipts or other form of verification from the county treasurer, confirming that all real property taxes and installments of special assessments against all properties within the corporate limits of the City which are owned by the Applicant, and which are due and owing on the date the permit is issued, have been paid in full.
- B. If the work is not completed and the building permit remains outstanding on subsequent dates on which taxes and installments of special assessments become due and payable, Applicant must provide evidence to the City that the then current taxes and installments of special assessments for the properties described in subsection A above have been paid in full on or before such subsequent tax due date.

It shall be unlawful for an Applicant to transfer title to real property for the purpose of avoiding compliance with this Section.

4. For the purpose of Section 3 hereof, the term "Applicant" includes (a) any person or legal entity (defined below) that has an ownership interest in the parcel, and (b) any person or legal entity that will perform the work for which a building permit is issued. If the application is signed by a person on behalf of a legal entity, "Applicant" shall include that person and the legal entity. The term "legal entity" means any entity other than a natural person, and shall include sole proprietorships, corporations, partnerships, limited liability companies, joint ventures, trusts, and, as applicable, all owners, shareholders, partners, members, joint venturers, grantors or settlers, and trustees of such entities. The

term "legal entity" shall not include the shareholders, partners or members in the case of any legal entity which is a publicly traded company.

5. If the Applicant fails to satisfy the requirements of Sections 1 and 2 or 1 and 3 above, as applicable, no permit shall be issued, or if issued and outstanding, the permit shall be immediately revoked and a stop work order shall be issued until the requirements are satisfied, including the payment in full of any deficient property taxes and/or deficient installments of special assessments. Such revocation and stop work order shall be in addition to any criminal or civil penalty authorized by State law or municipal ordinance.

6. The requirements set forth herein shall supplement and be in addition to permit requirements set forth in the Building Code adopted under Section 505.010 of this Code.

Section 2. All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

**PASSED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY,
KANSAS, December 21, 2010.**

CITY OF JUNCTION CITY:

Mike Rhodes, MAYOR

ATTEST:

Tyler Ficken, City Clerk

ORDINANCE NO. G-1062

AN ORDINANCE RELATING TO BUILDING PERMIT APPLICATIONS
REPLACING THE EXISTING SECTION 500.060 WITH THE FOLLOWING NEW
SECTION 500.060 TO ARTICLE II OF TITLE V OF THE CODE OF ORDINANCES
OF THE CITY OF JUNCTION CITY, KANSAS.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION
CITY, KANSAS:**

Section 1. Existing section 500.060 of Article II of Title V of the Code of Ordinances of the City of Junction City, Kansas, is deleted in its entirety and replaced with the following:

SECTION 500.060: PERMITS

1. Permits for the erection, alteration or enlargement of any building or improvement to be located on any parcel (the "parcel") of real estate within the City may be issued by the City Manager or his/her representative who may require that there first be filed by or on behalf of the Applicant therefore (defined below) a plat in duplicate drawn to scale and in such form as may be prescribed by the City Manager. The drawing shall include:

- A. Location and actual dimensions of the lot to be occupied.
- B. Location and dimensions of any existing easements.
- C. The dimensions and location on the lot of the building or improvement to be erected, altered or enlarged.
- D. Rear lot elevations (not required for fencing plans).
- E. Front Elevations at property line extended to curblin.
- F. Landscaping and/or screening, if required.
- G. Proposed drainage patterns
- H. All finished floor elevations.
- I. Proposed fence locations.
- J. Proposed erosion control features.
- K. Locations of proposed water and sanitary sewer.
- L. Proposed Sidewalk location, if required.
- M. A true statement in writing, signed by the applicant, must be submitted showing the use for which such building is arranged, intended or designed and furnishing such other information as the City Manager may require for the enforcement of the provisions of this Section. Any failure to comply with the provisions of this Section or any other ordinance shall be good cause for the revocation of any such building permit by the Governing Body. A record of such applications and plats shall be kept in the office of the Fire Department/Inspection Department.

N. Additional information may be required as necessary by the Codes Administrator for any permit application or as required in these regulations, such as

- i. Existing contours
- ii. Proposed contours
- iii. Drainage Plan.

2. In addition to the requirements of Section 1 above, from and after the effective date of this Ordinance and until December 31, 2011, a building permit shall not be issued; or if issued, shall not remain outstanding, unless the City receives a copy of receipts or other form of verification from the county treasurer, confirming that all real property taxes and installments of special assessments against the property for which the permit is requested, have been paid in full. As for building permits issued prior to December 31, 2011, such building permits shall be revoked if the property taxes and installments of special assessment become delinquent prior to the completion of the building.

3. In addition to the requirements of Section 1 above, from and after January 1, 2012, a building permit shall not be issued unless the following conditions with respect to the Applicant are satisfied:

- A. Each individual or entity (defined below) included in the definition of "Applicant" below, must furnish to the City a certificate, signed by the applicable individual or entity, under penalty of perjury, which identifies all real property owned by the individual or entity within the City, and for each property listed, the Applicant must furnish to the City a copy of receipts or other form of verification from the county treasurer, confirming that all real property taxes and installments of special assessments against all properties within the corporate limits of the City which are owned by the Applicant, and which are due and owing on the date the permit is issued, have been paid in full.
- B. If the work is not completed and the building permit remains outstanding on subsequent dates on which taxes and installments of special assessments become due and payable, Applicant must provide evidence to the City that the then current taxes and installments of special assessments for the properties described in subsection A above have been paid in full on or before such subsequent tax due date.

It shall be unlawful for an Applicant to transfer title to real property for the purpose of avoiding compliance with this Section.

3. ~~The~~4. For the purpose of Section 3 hereof, the term "Applicant" includes (a) any person or legal entity (defined below) that has an ownership interest in the parcel, and (b) any person or legal entity that will perform the work for which a building permit is issued. If the application is signed by a person on behalf of a legal entity, "Applicant" shall include that person and the legal entity. The term "legal entity" means any entity other than a natural person, and shall include sole proprietorships, corporations, partnerships, limited liability companies, joint ventures, trusts, and, as applicable, all owners, shareholders, partners, members, joint venturers, grantors or settlers, and trustees

of such entities. The term "legal entity" shall not include the shareholders, partners or members in the case of any legal entity which is a publicly traded company.

~~4-5.~~ If the Applicant fails to satisfy the requirements of Sections 1 and 2 or 1 and 3 above, as applicable, no permit shall be issued, or if issued and outstanding, the permit shall be immediately revoked and a stop work order shall be issued until the requirements are satisfied, including the payment in full of any deficient property taxes and/or deficient installments of special assessments. Such revocation and stop work order shall be in addition to any criminal or civil penalty authorized by State law or municipal ordinance.

~~5-6.~~ The requirements set forth herein shall supplement and be in addition to permit requirements set forth in the Building Code adopted under Section 505.010 of this Code.

Section 2. All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

**PASSED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY,
KANSAS, ~~February 2,~~December 21, 2010.**

CITY OF JUNCTION CITY:

~~Terry Heldstab~~Mike Rhodes,

**MAYOR
ATTEST:**

Tyler Ficken, City Clerk

Document comparison done by DeltaView on Tuesday, November 30, 2010
6:48:13 PM

Input:	
Document 1	PowerDocs://CWDOCS/675325/1
Document 2	PowerDocs://CWDOCS/675325/2
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Legend:	
<u>Insertion</u>	
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Statistics:	
	Count
Insertions	13
Deletions	9
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	22

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City of Junction City

City Commission

Agenda Memo

November 24, 2010

From: Cheryl S. Beatty, Finance Director
To: City Commission
Subject: 2010 Budget Amendments

Objective: Set public hearing for 2010 Budget Amendments

Explanation of Issue: Each year the city may amend their current budget if there is a record of additional revenue or expenses that was beyond the 2010 adopted budget. Three funds are in need of a budget amendment for the 2010 Budget, see attached budget forms.

Budget Impact: The budget amendment increase the budget authority for each fund being amended. The three funds and explanation for the budget amendment is as follows:

1. **Water/Wastewater Fund:** The request is to increase the fund due to the increase in rates, estimated at \$700,000, for operations and budget transfers for cash flow shortfalls as anticipated in other funds. In addition, funds were received and expended for Well #18 that was not budgeted, approximately \$200,000.
2. **Special Law Enforcement Fund:** Unanticipated increase in drug forfeiture funds.
3. **Utility Fund:** Since this is a tax levy fund the increase in revenue will have to come from a transfer from another fund and the expense increases were due to increase utility rates by utility providers.

Alternatives: The first step in the process is to set a public hearing before any decisions are made. So the only request at this time is to set the public hearing for 7:00 p.m. on December 21, 2010 for the purpose of public comment regarding the proposed budget amendments.

Recommendation: Staff recommends the setting of this budget hearing.

Suggested Motion:

Commissioner _____ moved that a Budget Hearing be set for December 21, 2010 at 7:00 p.m. at City Commission Room at City Hall for the purpose of public comment and this be published the same.

Commissioner _____ seconded the motion.

Enclosures: 2010 Budget Amendment Forms.

2010

**Notice of Budget Hearing for Amending the
2010 Budget**

The governing body of
Junction city

21 , 2010 , at 7:00 p.m. at Commission Room, City Hall, 700 N. Jefferson, Junction City, Kansas, for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at City Hall at 700 N. Jefferson
and will be available at this hearing.

Summary of Amendments

Fund	2010 Adopted Budget			2010 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
Water/Wastewater Fund			7,086,247	7,586,247
Spec Law Enforcement			50,000	135,000
Utility Charges	3.885	640,169	776,816	846,805
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Signature

Be

City of Junction City

City Commission

Agenda Memo

November 24, 2010

From: Cheryl S. Beatty, Finance Director

To: City Commissioners

Subject: Water Code Updates

Objective: Adoption of Ordinance G-1089; water utility code updates.

Explanation of Issue: After discussions, staff saw a need for utility code updates. Therefore, staff reviewed all the water utility codes and is providing an update for consideration to the City Commission.

Budget Impact: There are a few minor fee increases recommended to cover cost of services. One significant fee increase is recommended for fire hydrant meter deposit and use. This is a new code section to address an ongoing problem with use of city fire hydrant meters.

Alternatives: It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission may:

1. Approve Ordinance G-1089 on first reading.
2. Disapprove Ordinance G-1089 on first reading.
3. Modify the proposed code changes.
4. Table the request.

Recommendation: Staff recommends approval as presented.

Suggested Motion:

Commissioner _____ moved that
..... be approved on
first reading.

Commissioner _____ seconded the motion.

Enclosures: Ordinance G-1089 and working copy with strike through of code changes.

ORDINANCE NO. G-1089

AN ORDINANCE RELATING TO WATER AND WATERWORKS BY AMENDING CHAPTER 700, ENTITLED "WATER AND WATERWORKS" OF TITLE VII, ENTITLED "UTILITIES" OF THE CODE OF ORDINANCES OF THE CITY OF JUNCTION CITY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

Section 1. CHAPTER 700: Water and Waterworks, of Title VII. Utilities, of the Code of Ordinances of the City of Junction City, Kansas is hereby replaced by the following::

CHAPTER 700: WATER AND WATERWORKS

ARTICLE I. WATERWORKS REGULATIONS

SECTION 700.010: MANAGEMENT

The Municipal Waterworks Plant and Water Distribution System shall be managed and operated in accordance with the administrative rules of the City. The active control and supervision of the Waterworks Plant, Sewage Disposal Plant and Water Distribution Systems shall be fixed by the City Manager, subject to the direction of the Governing Body, which shall make all needful ordinances and approve rules and regulations pertaining to the effective management and operation of the Department.

SECTION 700.015: CITY NOT LIABLE FOR INTERRUPTED SERVICE, RIGHT TO CUT OFF WATER – REPAIR

It is expressly stipulated that no claim shall be made against the City or the Water Department because of any break in the service or any damage arising from cutting off water to repair mains, service lines, or to make connections due to frozen meters, or for any other purpose. The right is hereby reserved to cut off water at any time when deemed necessary. Defective service lines must be promptly repaired; otherwise the water may be shut off at the curb stop if leaking on private property or at the corporation stop if leaking on public property.

SECTION 700.020: EVERY PROPERTY TO HAVE A SEPARATE CONNECTION

Each premises shall have a separate and distinct service connection and each service must have a separate meter and cut-off (valve); provided further, that patrons of the water system shall not allow water to be taken from the premises, nor permit any connection to be taken from the premises, nor permit any connection to be made to the owner's service line without first completing an application for service. Water shall be used only on the premises to which the service is intended, and not more than one (1) customer shall receive water through a single meter except by special written permission of the City Manager. Any existing non-conforming service would be required to conform upon renewal of service.

SECTION 700.04025: CITY TO MAKE CONNECTIONS

- A. All water main connections shall be tapped, street excavations made, corporation stops inserted, pipes installed from main to curb, curb stop installed, meters installed, and connections made only by City employees or a duly designated representative of the City licensed as a plumber in this City.
- B. *Trenching And Backfilling.* All excavations made by a plumber and/or contractor in public grounds shall be kept open for no longer than is absolutely necessary to make the connections required. Further, all excavations shall be protected by suitable barriers and/or guards and lights as provided by

the ordinances of this City and meet MUTCD (Manual for Uniform Traffic Control Devices) standards for any signage within city right of ways. All backfilling of said excavations shall be thoroughly compacted to meet AWWA Manual M14, current edition, and APWA Uniform Standards and left in a condition satisfactory to the City Engineer or a duly authorized representative. Where such excavation is in an unsatisfactory condition, the Public Works Director shall cause it to be repaired and the cost thereof shall be charged to the plumber, whose license will subsequently be suspended until said sum is paid in full to the City Treasurer.

- C. *Character of Pipe for Service Connections.* All service pipes installed on City side and the property side for the purpose of supplying municipal water shall be made of suitable material approved by the City Engineer or a duly authorized representative prior to being installed. Said pipe shall be laid a minimum of thirty-six (36) inches below the established grade.

SECTION 700.030: CURB STOPS AND WASTE COCKS

There shall be a curb stop in every service line attached to the water mains, the same to be placed on the City right-of-way or within one (1) foot of the alley if the main is located in the alley. Curb stop and meter shall be placed in an eighteen (18) inch tile where possible, and in other cases the meter shall have an extension dial and curb stop provided with a Buffalo Pattern service box. There shall be one (1) or more stop and waste cocks attached to every supply pipe, so that the water may be shut off and the residence plumbing entirely drained.

SECTION 700.035: MAINTENANCE OF PLUMBING, ETC.—WASTING WATER

All water customers shall keep their own fixtures, service lines and all other appurtenances in good repair and protected from damage at their own expense, and shall prevent all unnecessary waste of water, keeping all fixtures closed when not in use.

SECTION 700.040: LOCATION OF WATER SERVICE LINES AND METER INSTALLATIONS

All water service lines supplying water from the City to the property, and all meter and meter installations shall be placed in the City right-of-way outside of the property line, or within one (1) foot of the alley line if the main is located in the alley, unless specifically allowed by the City Engineer to place the meter on private property.

SECTION 700.08045: RELOCATION OR ADJUSTMENT OF WATER SERVICE LINES AND METER INSTALLATIONS

Upon the installation of a water service line or meter installation, any relocation or adjustment of the service and/or meter installations shall be at the customer's expense.

SECTION 700.050: FEES, NEW SERVICE AND REPLACEMENT—WATER TAPS IN MAINS

- A. The fee charged to the property owner for tapping a City water main for connection to the property shall be paid in full to the City upon application of such request unless already paid during construction of subdivision or through special improvement district. The fees for water taps in mains are as follows shall be charged per metered unit, to wit:

$\frac{5}{8}$ inch to $\frac{3}{4}$ inch connection	\$ 654.00	(Includes tap, line to meter box, meter box and labor)
1 inch connection	882.00	
1½ inch connection	1,710.00	
2 inch connection	1,810.00	
$\frac{5}{8}$ inch to $\frac{3}{4}$ inch meter installation	250.00	(for meter installation)
1 inch meter installation	300.00	

The charge for tapping water mains for connecting essential and non-essential water supply will be the actual cost to the City, but in no case shall be less than the charge for the above stated connection/meter installation. The party desiring connection/meter installation shall make an

application therefore to the City Treasurer accompanied by a sum sufficient to cover the City Engineer's estimated cost of the connection/meter installation. Upon completion of the work, the City Engineer shall render a statement of the actual cost of the connection and the applicant shall pay to the City Treasurer any deficit for the actual cost not covered by the amount paid or will receive the unused portion. There shall be no charge made to the customer for replacement of a tap or service due to failure of City mains or materials as identified by the City Manager or an authorized designate.

- B. Water meters for non-essential water supply shall be installed only if a backflow prevention device approved by the City Engineer is installed with or included with the lawn sprinkler system or other non-essential water supply device.
- C. In addition to water meter fees required herein, there shall be a permit obtained with a fee of twenty-five dollars (\$25.00) for each and every lawn sprinkler system connection to the water main of the water utility of the City of Junction City. This permit shall be obtained by the person installing the lawn sprinkler system and must contain the approval of the owner of the land.
- D. Before any ditches containing water service lines and valves serving the lawn sprinkler system are covered, the permit holder shall notify the Code Enforcement office, and such ditches shall not be covered until the water service lines and valves contained therein have been found to be in compliance with the applicable Codes of the City of Junction City, Kansas.

SECTION 700.055: ABANDONED SERVICE LINES TO BE CAPPED OR PLUGGED

When a service line is abandoned the Water Department shall shut off and cap or plug the line at the corporation stop. If the line is to be utilized at a later date the line will be reactivated by the Water Department at the property owner's expense.

SECTION 700.060: WATER TO BE METERED

All water sold by the Municipal Water System of the City of Junction City shall be measured by an approved meter unless supplied under special contract according to established rates as approved by the City Commission.

SECTION 700.065: WATER RATES-DEPOSITS, GUARANTEES AND FEES FOR SERVICE

- A. Deposit fees in the amounts specified below shall be paid by each customer at the time application is made for City water service as security for payment of bills. This deposit shall draw interest at the rate provided by State law, and shall be refunded to the customer or credited against the last bill of service at the time service is discontinued, or after a period of two (2) years of continuous timely payments, or may be extended for additional years. If a customer has a period of two (2) years of continuous, timely payments, the security deposit for a new account may be waived at the discretion of the department head or designee.
- B. *Required Deposits.*
 - 1. *Residential.*

Single-family dwelling	\$100.00
Multi-family/duplex and apartments, per meter	100.00
Mobile home courts, per unit	1 100.00
 - 2. *Business establishments.*

Professional offices and business building	\$150.00
Taverns, clubs, restaurants, grocery stores, service stations	\$250.00
Factories and large business establishments to include:	
Dairies, ice plants, laundries, auto wash, motels and hotels	
and department stores	\$250.00
- C. *Transfer of Service.* Deposits and guarantees may be transferred from one service address to another upon approval by the staff.
- D. *Delinquency – Additional Deposit.* If a customer's account appears on the list for non-payment three (3) or more times, an additional deposit each occurrence equal to one hundred percent (100%) of the deposit required in Subsection (B) of this Section may be required prior to reconnection of water service.
- E. *Service Fee.* Upon request for water service, a one-time fee of twenty-five dollars (\$25.00) shall be applied to the customer's first (1st) monthly water bill. If City is required to return due to water

running, an additional fee of twenty-five dollars (\$25.00) will be assessed each time. The fee is non-refundable and shall apply to transfer of services, temporary on, and new service.

- F. *After Hours Service Rate.* If City staff is required to provide services after hours, a fee of fifty dollars (\$50.00) shall be paid by the applicant for service.

SECTION 700.070: WATER ACCOUNTS

The City Treasurer shall be the collector of accounts due the City for the sale of water service and shall prepare the monthly bill of all such accounts due the City for the sale of water service and shall prepare the monthly bill of all such accounts from meter readings supplied by employees of the Department. The City Treasurer shall keep separate accounts with each customer showing complete transactions between the City and each customer. The City Treasurer shall keep a separate water fund, sales tax account, a customer's deposit account, and such other funds and/or accounts as may be required by an ordinance or law.

SECTION 700.075: TAX EXEMPTION STATUS--WATER ACCOUNTS, FORMS TO BE FILED

All persons, firms and corporations requesting a tax exempt status on monthly water accounts due the City shall be required to fill out and file with the City Treasurer a form which will be available at the office of the City Treasurer; provided however, no tax exemption status will be given to any person, firm or corporation that does not meet the qualifications as set forth in K.S.A. 79-3606.

SECTION 700.080: WATER RATES – MONTHLY MINIMUM CHARGE.

- A. The rates per month to be charged and paid for water sold from the Municipal Water System of the City of Junction City, Kansas, shall be as follows:

For the period September 10, 2010 through December 31, 2010:

<i>Meter Size</i>	Monthly Minimum Charge (Includes First 200 C.F. of Usage) Rate
Water meters 1 inch and less	\$ 23.51
Water meters over 1 inch and up to and including 1 ½ inches	\$105.19
Water meters over 1 ½ inches and up to and including 2 inches	\$200.22
Water meters over 2 inches and up to and including 3 inches	\$292.22
Water meters over 3 inches and up to and including 4 inches	\$384.81
Water meters 4 inch and above	\$481.90

For the period commencing January 1, 2011:

<i>Meter Size</i>	Monthly Minimum Charge (Includes First 200 C.F. of Usage) Rate
Water meters 1 inch and less	\$ 14.51
Water meters over 1 inch and up to and including 1 ½ inches	\$ 96.19
Water meters over 1 ½ inches and up to and including 2 inches	\$191.22
Water meters over 2 inches and up to and including 3 inches	\$283.22
Water meters over 3 inches and up to and including 4 inches	\$375.81
Water meters 4 inch and above	\$472.90

- B. *Monthly Rates Fixed.* All water usage over two hundred (200) cubic feet and not more than one thousand (1,000) cubic feet shall be billed monthly at the rate of one dollar thirty nine cents (\$1.39) per one hundred (100) cubic feet and all water usage over and above one thousand (1,000) cubic feet shall be billed monthly at the rate of one dollar seventy five cents (\$1.75) per one hundred (100) cubic feet.
- Each year hereafter, on August first (1st), the above water rates in Section A and B shall be adjusted by the amount of the increase in the Consumer Price Index, as published, for the preceding twelve (12) months.
- C. *Charge When Meter Fails to Register – Estimate, Inclement Weather.* In case any meter fails to register for any cause and/or when outdoor conditions prevent reading of the meter, as determined by the City Treasurer or designee, the amount charged for water during such period shall be estimated by the Clerk, such estimate to be based on the average amount registered during a like preceding period and such other information as is available.
- D. *Water Rates – Lawn Irrigation.* The monthly charge for water used for irrigation systems shall be charged at the rate for a one (1) inch and less meter, as shown in Subsection (A) of this Section.

SECTION 700.090: PAYABLE MONTHLY

- A. Each water bill shall be payable in full upon the rendering of such bill and if not paid on or before the specified due date as shown on the bill, such bill shall be considered delinquent upon completion of the cut-off resolution register and subject to a delinquency penalty.
- B. *Delinquency Penalty.* All bills unpaid eighteen (18) calendar days after date of issue shall be considered delinquent and subject to an additional charge of ten percent (10%) on the gross amount of the billing.
- C. *Delinquency – Termination.* If the rendered bill and delinquency penalty are not paid within seven (7) days after the bill is declared delinquent, then service shall be terminated per Section 700.230.

SECTION 700.095: WATER DEPARTMENT NOT RESPONSIBLE FOR DELIVERY OF BILLS

The Water Department does not assume the responsibility for speedy and safe delivery of, or failure to receive bill; further, it shall be the customer's duty to notify the City Water Department within a reasonable amount of time of any change in billing address. The amount owed may be obtained from the Water Department office.

SECTION 700.100: ADJUSTMENT OF WATER BILLS IN CASE OF UNDERGROUND LEAKS

The City Manager or an authorized designee may adjust excessive water bills occasioned by underground leaks not to exceed fifty percent (50%) over and above the established average bill for the premises upon which such leak is located; Provided, that the person employed to repair such leak shall, ten (10) days after completion of said repair, certify in writing to the office of the City Clerk as to the existence of said leak, that said leak was underground and the same was not apparent to the occupant of said premises upon reasonable observation. No adjustment will be given until the

underground leak is verified by the meter reader foreman or a duly authorized representative.

SECTION 700.105: DELINQUENT ACCOUNTS--DISCONTINUANCE OF SERVICE

- A. Water service bills shall contain the following additional information/notice:
 - 1. The date on which the account will become delinquent.
 - 2. The amount due if not paid timely (late charge).
 - 3. The date that water service will be discontinued if water service is not fully paid for.
 - 4. The customer's right to request a hearing before the City Manager or his/her designee at least three (3) days prior to the termination date.
- B. The request for a hearing must be filed with the City Treasurer no later than three (3) working days before the date indicated in the delinquent notice for termination of service. If the water service to the property shall be disconnected, it shall remain as disconnected until such customer or other interested person or persons shall pay the full amount of all water bills, including a service charge of fifty dollars (\$50.00) plus applicable State and local tax. If the meter is removed, service charge will be an additional fifty dollars (\$50.00) plus applicable State and local tax.

SECTION 700.110: CUSTOMER NOTIFICATION OF CANCELLATION OF SERVICE

- A. It shall be the duty of each customer registered with the City Treasurer to receive City water service to notify the City of a cancellation of City water service to said customer's premises. All notification of cancellation shall be made either in person at the City Treasurer's office, by written letter stating the same, or by the telephone.
- B. Upon the effective date of the notification of cancellation, the City Treasurer shall cause the City water service to said address to be terminated. Thereupon, the City Treasurer shall close out and settle all water accounts with said customer. The City Treasurer shall credit to the customer's account any and all deposits and guarantees, and any interest thereon, that said customer paid to the City pursuant to Section 700.065 contained herein.
- C. Said customer and/or property owner shall be responsible for any outstanding accounts due the City and shall pay in full the same; provided however, that if said account is less than deposits and guarantees, and any interest thereon, paid by said customer, then the City Treasurer shall cause a refund to said customer in the amount of the difference between the deposits and guarantees, and any interest thereon, and the amount of the final water account owed the City.

SECTION 700.115: SERVICE NOT TO BE FURNISHED UNTIL ACCOUNTS PAID

Whenever any customer of water shall move from one (1) location or premises to another in the City and has complied with Section 700.130 (C) herein, or whenever water is turned off at any premises, or whenever any customer or applicant for water service is indebted to the Water Department of the City for any water service previously furnished to said customer either at the premises for which the applicant is made or at any other place in the City, the City Treasurer shall refuse to turn on or authorize the turning on of water for any such customer or applicant at any place until all previous charges due to the City for whatever premises, have been fully paid by such customer or applicant, and all other requirements and charges whether in the nature of penalties, shut off or turn on charges, or deposits, shall have been paid, and no applicant or customer shall be entitled to have water turned on at any premises until all such charges have been fully paid and such requirements been followed.

SECTION 700.120: UNLAWFUL USE OF WATER

- A. It shall be unlawful for any person to take or use water from the Waterworks of the City without notice to the Water Department and without payment for the same as provided by the rules and regulations contained herein. No person shall turn on or shut off the water at any valve, curb stop, corporation stop or other places regulating the supply of water to any premises or part of the Waterworks System except duly authorized employees of the Department of persons authorized to do so by the City.
- B. Theft of Services.
 - a. Theft of Service is obtaining services from another by deception, threat, coercion, stealth, tampering or use of false token or device.
 - b. Services within the meaning of this section, includes, but is not limited to, labor, professional service, public or municipal utility and the supplying of equipment for use.

- c. Tampering within the meaning of this section includes, but is not limited to:
 - a. Making a connection of any conduit or device, to any service lined owned by the City;
 - b. Defacing, puncturing, removing, reversing or altering any meter or any connections for the purpose of securing unauthorized or unmeasured water service;
 - c. Preventing any such meter(s) from properly measuring or registering;
 - d. Knowingly taking, using, or converting to such person's own use, or the use of another, any water which has not been measured or any service which has not been authorized;
 - e. Causing, procuring, permitting, aiding, or abetting any person to do any of the preceding acts.
- 4. In any prosecution under this section, the existence of any of the connections of meters, alterations, or use of unauthorized or unmeasured water specified in subsection 3. shall be prima facie evidence of intent to violate the provisions of this section by the person or persons using or receiving the direct benefits from the use of water passing through such connections or meters which has not been authorized or measured.

SECTION 700.125: PENALTIES

Any person violating any of the provisions of this Chapter is guilty of a misdemeanor and upon conviction thereof shall be punished as provided by section 200.010 of Article V, Chapter 100, Title I of this Code.

ARTICLE II. METERS

SECTION 700.200: DEFINITIONS

The following words and phrases, when used herein, shall have the meanings respectively ascribed to them:

- A. Hydrant meter: Hydrant meter shall mean the meter and appurtenances connected to a fire hydrant for the temporary use of water.
- B. Meter: Meter shall mean a device, connected to a water main, used to measure and record the rate of water flow.

SECTION 700.205: METER INSTALLATION

The Governing Body is hereby authorized to measure all water furnished by meters and meters shall be installed at the expense of the property owner. Any meter request greater than a 5/8" or 3/4" meter must be approved by the Director of Public Works. Meter sizing will be based upon AWWA Manual of Practice, M22, "Sizing of Water Services and Meters."

SECTION 700.210: METER TESTING, APPROVAL.

The City shall supply, install and maintain all meters connected with the Municipal Water System. If at any time the customer desires to have the meter tested for accuracy, the same shall be done by the City and a fee of ten dollars (\$10.00) charged to the customer if and only if the meter registers ninety-seven percent (97%) or more accurate. If a meter registers less than ninety-seven percent (97%) accurate, said meter shall be replaced or repaired and no fee will be assessed to the customer. Pressure checks shall be done at a cost of ten dollars (\$10.00). There will be no charge for any check when the pressure reading is less than thirty-five (35) P.S.I. at the meter.

SECTION 700.215: METER ACCESSIBILITY

- B. *Right of Entry — Reading for Billing Purposes — Rereads*. The City Treasurer or duly authorized persons may enter any premises supplied with water service in order to inspect or repair water facilities, meters, pipes or fixtures or to investigate the use of water or to obtain meter readings. All rereads will be performed at the rate of ten dollars (\$10.00) each. There will be no charge if the reading is found to be in error.

- C. *To be Accessible, Unobstructed.* The occupant of any building or premises or customer of service therefor or premises where a meter is located shall keep the meter accessible for reading, inspecting or repairing. Where a water meter is inaccessible due to the non-cooperation of the customer, vehicle, fences, locked gates, dogs, or any other obstruction the City Treasurer may require ~~that~~ the obstruction to be removed within twenty (20) days or less at the expense of the property owner. If an obstruction to the meter is removed, the City has the right to terminate service until such obstruction is removed to the satisfaction of the City or the City is authorized to remove by towing or other reasonable method any vehicle or other obstruction which interferes with accessibility to the meter for reading, inspection or repairing. The costs of such removal shall be added to the next monthly water bill and shall be due and owing in the same manner as for water used.

SECTION 700.220: METER DAMAGE AND TAMPERING

- A. *Customer Responsible for Damage.* Whether a meter setting is located in a building, an approved meter box, or within a housing in the parking area or sidewalk or elsewhere, the customer or owner of the property in which such meter is placed shall be responsible for the protection and preservation of the meter, meter box, or meter housing. It shall be unlawful for any individual to intentionally rearrange, injure, alter, interfere with or otherwise tamper with the city's public water supply system. The cost of repairs for damages shall be collectible in the same manner as the monthly water bill or the City may pursue civil action as outlined in K.S.A. 66-1602.
- B. *Damage by Hot Water, Steam, Improper Thawing.* Whenever a meter is damaged by hot water or steam or by an improper method of thawing when frozen, except by authorized City personnel, the cost of the repairs shall be chargeable to the customer and the same shall be collectible in the same manner as monthly water bills.

SECTION 700.225: METER REPLACEMENT

System-wide replacement of water meters to incorporate new technology and improve the accuracy of meter readings shall be done at the expense of the water division. The new meters shall be considered property of the water division. The cost of replacing water meters which become un-repairable due to discontinuance of repair parts or which are worn beyond repair by usage shall be replaced at the water division's expense.

SECTION 700.230: HYDRANT METER – PERMIT REQUIRED

A hydrant meter permit is hereby required before installation of a hydrant meter. The permit shall be issued by the water division after the following conditions are met by the permit applicant:

Submit completed hydrant meter permit application;

- a. Provide payment in full of the applicable deposits and fees; and
- b. Provide payment in full of any delinquent amounts due to water division for customer's account.

SECTION 700.235: HYDRANT METER – DEPOSIT REQUIRED

- A. Hydrant meter deposit amounts shall be established by the water superintendent, as approved by the public works director, and set forth on a schedule maintained by the water superintendent. Such fees shall be based upon the size of the hydrant meter, and cost for the water division to replace the hydrant meter and hydrant wrench.
- B. A refundable deposit shall be required and held without interest. Upon request from customer, deposit shall be refunded after hydrant meter is returned to water division and any cost of damage to meter, meter appurtenances and delinquent amounts due to water division for customer's account have been paid in full.

SECTION 700.240: HYDRANT METER - FEES

- A. Hydrant meter rental fee amounts shall be established by the water superintendent, as approved by the public works director, and set forth on a schedule maintained by the water superintendent. Such fees shall be based on operating costs for issuing and maintaining hydrant meters.
- B. Customers shall be charged rental fees on a monthly basis, with a minimum charge of one month's rental. Under no circumstances shall fees be prorated.
- C. Customers shall be assessed, when applicable, administrative fees such as: Annual testing fee, manual meter reading and consumption estimation fee, and delinquent account fee.

- D. Administrative fee amounts shall be established by the water superintendent, as approved by the public works director, and set forth on a schedule maintained by the water superintendent. Such fees shall be based on operating costs for testing and billing for hydrant meters and may be waived when customers comply with testing and billing requirements.

ARTICLE III. FIRE HYDRANTS

SECTION 700.300: INSTALLATION OF FIRE HYDRANTS

It shall be unlawful for any person to install, or cause to be installed, on public or private property, any fire hydrant for use other than that type and style presently approved by the water division.

SECTION 700.305: OBSTRUCTION

No person shall obstruct, in any way, easy accessibility of a fire hydrant by placing material of any kind, fences or temporary structures, trenches or holes, making it dangerous to firefighters in connecting to the fire hydrant, or impair the accessibility of a fire hydrant in any way.

SECTION 700.310: USE BY CITY DEPARTMENTS AND DIVISIONS

Water used by all city departments and divisions from a fire hydrant shall be measured by a method acceptable to the water superintendent. The fire department shall submit a report monthly to the water division stating estimated water usage for firefighting. All other city divisions or departments shall report to the water division the amount of water used by their department or division.

SECTION 700.315: CHANGING LOCATION

Any change in the location of a fire hydrant must meet the approval of the fire chief, the city engineer and the water division. The cost of moving a hydrant shall be paid by the party desiring the change.

SECTION 700.320: ALTERING COLOR

It shall be unlawful for any person to alter the color of any fire hydrant in the city without approval from the Fire Chief.

SECTION 700.325: DAMAGE TO FIRE HYDRANT

Any person who shall, in any way, damage or impair a fire hydrant shall immediately notify the water division, giving his name and address and the exact location of the fire hydrant impaired.

SECTION 700.330: ILLEGAL USE OF A FIRE HYDRANT – VIOLATION AND PENALTY

- A. It shall be unlawful for any person to use a fire hydrant without a city-approved hydrant meter; provided, however, this subsection shall not apply to authorized city employees' use of a fire hydrant.
- B. It shall be unlawful for any person, other than authorized city fire department employees, to use any fire hydrant identified as a "firefighting use only" hydrant.
- C. Any person violating any of the provisions of this Article is guilty of a misdemeanor and upon conviction thereof shall be punished as provided by section 200.010 of Article V, Chapter 100, Title I of this Code.

ARTICLE IV. FLUORIDATION OF CITY WATER SUPPLY

SECTION 700.400: FLUORIDE CONTENT—AUTHORIZATION

Upon receiving the consent and approval of the State Board of Health and until further direction of the Governing Body, the Water Department is hereby authorized and directed to provide the means and to proceed with the introduction of sufficient fluoride to raise the total fluoride concentration in the finished water to 1.0 part of fluoride to every million (1,000,000) parts of water being distributed in the water supply system of the City of Junction City, Kansas.

SECTION 700.410: FUNDS FOR FLUORIDE

Funds for fluoridation shall be provided from Water Department funds.

ARTICLE V. WATER CONSERVATION, RATIONING AND RESTRICTIONS ON WATER SUPPLY

SECTION 700.500: PURPOSE

The purpose of this Article is to provide for the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the City in the event such a watch, warning or emergency is declared. (Ord. No. G-850 §1, 2-20-96)

SECTION 700.505: DEFINITIONS

- A. For the purposes of this Article the following terms shall be deemed to have the meaning indicated below:

WATER: Water available to the City of Junction City for treatment by virtue of its water rights or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.

CUSTOMER: The customer of record using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

WASTE OF WATER: Includes, but is not limited to:

1. Permitting water to escape down a gutter, ditch, or other surface drain, or
2. Failure to repair a control-label leak of water due to defective plumbing.

- B. The following classes of uses of water are established:

1. *Class 1*. Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational area; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.
2. *Class 2*. Water used for any commercial or industrial, including agricultural, purposes: except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.
3. *Class 3*. Domestic usage, other than that which would be included in either classes 1 or 2.
4. *Class 4*. Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

SECTION 700.510: DECLARATION OF WATER WATCH

Whenever the Governing Body of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare by resolution that a water watch exists and that it shall take steps to inform the public and ask the public for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the Governing Body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official City newspaper.

SECTION 700.515: DECLARATION OF WATER WARNING

Whenever the Governing Body of the City finds that drought conditions or some other condition causing major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it recommend restrictions on non-essential uses during the period of the warning. Such a warning shall be deemed to continue until it is declared by resolution of the Governing Body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official City newspaper.

SECTION 700.520: DECLARATION OF WATER EMERGENCY

Whenever the Governing Body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water

supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the Governing Body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official City newspaper.

SECTION 700.525: VOLUNTARY CONSERVATION MEASURES

Upon the declaration of a water watch or water warning as provided in Section 700.310 and 700.315, the City Manager is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses:

1. Sprinkling of water on lawns, shrubs or trees (including golf courses, unless supplied by well).
2. Washing of automobiles.
3. Use of water in swimming pools, fountains and evaporative air-conditioning systems.
4. Waste of water.

SECTION 700.530: MANDATORY CONSERVATION MEASURES

Upon the declaration of a water supply emergency as provided in Section 700.320, the City Manager is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

1. Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the effective date of the declaration of the emergency;
2. Restrictions on the uses of water in one or more classes of water use, wholly or in part;
3. Restrictions on the sales of water at coin-operated facilities or sites;
4. The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;
5. Complete or partial bans on the waste of water; and
6. Any combination of the foregoing measures.

SECTION 700.535: EMERGENCY WATER RATES

Upon the declaration of a water supply emergency as provided in Section 700.320, the Governing Body of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not to be limited to:

1. Higher charges for increasing usage per unit of use (increasing block rates);
2. Uniform charges for water usage per unit of use (uniform unit rate); or
3. Extra charges in excess of a specified level of water use (excess demand surcharge).

SECTION 700.540: REGULATIONS

During the effective period of any water supply emergency as provided for in Section 700.320, the City Manager is empowered to promulgate such regulations as may be necessary to carry out the provisions of this Article, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the Governing Body at its next regular or special meeting.

SECTION 700.545: VIOLATIONS, DISCONNECTIONS AND PENALTIES

- A. If the City Manager, Water Superintendent, or other City official or officials charged with implementation and enforcement of this Article or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to this Article, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the City who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may terminate water service to the customer subject to the following procedures:

1. The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City Governing

- Body or a City official designated as a Hearing Officer by the Governing Body;
2. If such hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and
 3. The Governing Body or Hearing Officer shall make findings of fact and order whether service should continue or be terminated.
- B. Any person violating any of the provisions of this Article is guilty of a misdemeanor and upon conviction thereof shall be punished as provided by section 200.010 of Article V, Chapter 100, Title I of this Code.

SECTION 700.550: EMERGENCY TERMINATION

Nothing in this Article shall limit the ability of any properly authorized City official from terminating the supply of water to any or all customers upon the determination of such City official that emergency termination of water service is required to protect the health and safety of the public.

ARTICLE VI. CROSS-CONNECTIONS

SECTION 700.600: PURPOSE

The purpose of this Article is to protect the public water supply of the City of Junction City, Kansas, from contamination due to backflow or back-siphonage from any cross-connection; and to prohibit and eliminate all cross-connections to the public water supply; and to provide for the maintenance of a continuing effective cross-connection control program. This program shall include regularly scheduled inspections to detect and eliminate current cross-connections and to prevent future cross-connections.

SECTION 700.610: DEFINITIONS

For the purposes of this Article, the following terms are hereby defined:

BACKFLOW: The unwanted reverse flow of water, other liquids, gasses, mixtures, or other substances in the distributing pipes of a potable water supply from any source or sources. For specific conditions of backflow, see "*back-siphonage*" and "*back-pressure*".

BACK-PRESSURE: Pressure in a plumbing system higher than the supply pressure which causes a reversal of flow. (Example: pumps, thermal expansion from boilers.)

BACK-SIPHONAGE: A backflow resulting from negative or sub-atmospheric pressures in the distributing pipes of a potable water supply.

CROSS-CONNECTION: Any physical connection or arrangement between two (2) otherwise separate piping systems, one (1) of which contains potable water, and the other, water of unknown or questionable safety, or stream, gasses or chemicals, whereby there may be a flow from one (1) system to the other.

SECTION 700.620: CROSS-CONNECTIONS PROHIBITED

No person, company, corporation or institution shall establish or permit to be established or maintain or permit to be maintained, any cross-connection whereby a private water supply, or any source of contamination may enter the public water supply of the City of Junction City, Kansas.

SECTION 700.630: PROTECTIVE BACKFLOW PREVENTERS REQUIRED

In accordance with the requirements outlined in the current adopted Plumbing Code as adopted by the City of Junction City, Kansas, approved devices to protect against backflow or back-siphonage shall be installed at all fixtures and equipment where backflow and back-siphonage may occur and where there is a hazard of contamination of the potable water supply system.

SECTION 700.640: INSPECTION

- A. The Code Administrator or his/her designated inspector shall have the right of entry into any building or premises in the City as frequently as necessary in order to ensure that plumbing has been installed in a manner as to prevent the possibility of contamination of the public water supply of the City of Junction City, Kansas.
- B. Any person, company, corporation or institution shall be required to have their backflow

preventers inspected annually by a certified backflow tester/repair technician and shall furnish a copy of said inspection to the City of Junction City Code Enforcement Department.

- C. All water accounts that have systems untested or not in compliance of Section B by July 1 of each calendar year, there shall be added to their monthly utility bill a surcharge of ten dollars (\$10.00) per month until proof of testing has been received by the City or proof that the system is in compliance with city code. The provisions of Section 700.110 (Termination of Service) shall apply to the ten dollar (\$10.00) surcharge.

SECTION 700.650: PROTECTION FROM CONTAMINANTS

Pursuant to the authority given under Home Rule Powers and K.S.A.65-163a, the City of Junction City, Kansas, may refuse to deliver water to any premises where a condition exists which might lead to the contamination of the public water and may continue to refuse to deliver water until the condition is corrected to the satisfaction of the City. In addition, the City may immediately terminate water service to a premise where a backflow or back-siphonage condition exists which may be hazardous to the health of customers served by the public water supply system of the City of Junction City, Kansas.

SECTION 700.660: ENFORCEMENT

Priority enforcement efforts will be directed to new construction of commercial and residential structures. Replacement or repair of existing plumbing fixtures, water piping, or drain piping will conform with the requirements of this Article. It is the intent of the City to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard. If, in the judgment of the Codes Administrator or his/her authorized representative, cross-connection protection is required through either piping modification or installation of an approved backflow device, due notice shall be given to the customer.

SECTION 700.670: LIABILITY

Any employee charged with the enforcement of this Article, acting in good faith and without malice for the jurisdiction in the discharge of his/her duties shall not thereby render himself/herself liable personally and he/she hereby is relieved from all personal liability for any damage that may accrue to person or property as a result of any act required, or by reason of any act of omission in the discharge of his/her duties. Any suit brought against an employee, because of such act or omission performed by him/her in the enforcement of any provisions of this Article while acting in good faith and without malice, shall be defended by the legal department of the jurisdiction until final termination of the proceeding.

SECTION 700.675: BOARD OF APPEALS

An appeal may be taken from any order of ruling by the Codes Administrator or his/her designee. The Junction City Plumbing Board shall act as a Board of Appeals in making a correct determination of any appeal arising from such rulings. Appeals shall be made in writing and the appellant may appear in person before the Board or be represented by an attorney and may introduce evidence to support his/her claims. Appeals shall be heard at reasonable times at the convenience of the Board, but not later than thirty (30) days after receipt thereof. The appellant shall cause to be made at his/her own expense any tests or search required by the Board to substantiate his/her claims. The decision of the Board shall be final.

SECTION 700.680: CONFLICT OF ORDINANCES

In any case where a provision of this Article is found to be in conflict with a provision of any other ordinance or Code of the City of Junction City, Kansas, existing on the effective date of this Article, the provision which established the higher standard shall prevail. In any case where a provision of any other ordinance or Code of the City of Junction City, Kansas, existing on the effective date of this ordinance which established a lower standard, the provision of this Article shall be deemed to prevail.

SECTION 700.690: PENALTIES

Any person violating any of the provisions of this Article is guilty of a misdemeanor and upon conviction thereof shall be punished as provided by section 200.010 of Article V, Chapter 100, Title I of this Code.

Section 3. All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and publication in the official City newspaper, all as provided by law.

PASSED by the Governing Body of the City on _____, 2010 and signed by the Mayor.

(Seal)

Mike Rhodes, Mayor

ATTEST

Tyler Ficken, City Clerk

TITLE VII. UTILITIES

CHAPTER 700: WATER AND WATERWORKS

ARTICLE I. WATERWORKS REGULATIONS

SECTION 700.010: MANAGEMENT

The Municipal Waterworks Plant and Water Distribution System shall be managed and operated in accordance with the administrative rules of the City. The active control and supervision of the Waterworks Plant, Sewage Disposal Plant and Water Distribution Systems shall be fixed by the City Manager, subject to the direction of the Governing Body, which shall make all needful ordinances and approve rules and regulations pertaining to the effective management and operation of the Department. (CC 1965 §16-101; Ord. No. G-796 §1, 3-31-92; Ord. No. G-825 §1, 3-28-93)

SECTION 700.02015: CITY NOT LIABLE FOR INTERRUPTED SERVICE, RIGHT TO CUT OFF WATER - REPAIR

It is expressly stipulated that no claim shall be made against the City or the Water Department because of any break in the service or any damage arising from cutting off water to repair mains, service lines, or to make connections due to frozen meters, or for any other purpose. The right is hereby reserved to cut off water at any time when deemed necessary. Defective service lines must be promptly repaired; otherwise the water may be shut off at the curb stop if leaking on private property or at the corporation stop if leaking on public property. (CC 1965 §16-102; Ord. No. G-796 §2, 3-31-92; Ord. No. G-825 §2, 3-28-93)

SECTION 700.03020: EVERY PROPERTY TO HAVE A SEPARATE CONNECTION

Each premises shall have a separate and distinct service connection and each service must have a separate meter and cut-off (valve); provided further, that patrons of the water system shall not allow water to be taken from the premises, nor permit any connection to be taken from the premises, nor permit any connection to be made to the owner's service line without first ~~obtaining written permission from the City Clerk~~ completing an application for service. Water shall be used only on the premises to which the service is intended, and not more than one (1) customer shall receive water through a single meter except by special written permission of the City Clerk. Manager. Any existing non-conforming service would be required to conform upon renewal of service. (CC 1965 §16-103; Ord. No. G-796 §3, 3-31-92; Ord. No. G-825 §3, 3-28-93)

SECTION 700.04025: CITY TO MAKE CONNECTIONS

- A. All water main connections shall be tapped, street excavations made, corporation stops inserted, pipes installed from main to curb, curb stop installed, meters installed, and connections made only by City employees or a duly designated representative of the City licensed as a plumber in this City.
- B. *Trenching And Backfilling.* All excavations made by a plumber and/or contractor in public grounds shall be kept open for no longer than is absolutely necessary to make the connections required. Further, all excavations shall be protected by suitable barriers and/or guards and lights as provided by the ordinances of this City and meet MUTCD (Manual for Uniform Traffic Control Devices) standards for any signage within city right of ways. All backfilling of said excavations shall be thoroughly compacted to meet AWWA Manual M14, current edition, and APWA Uniform Standards and left in a condition satisfactory to the City Engineer or a duly authorized representative. Where such excavation is in an unsatisfactory condition, the ~~Superintendent of Public Works~~ Public Works Director shall cause it to be repaired and the cost thereof shall be charged to the plumber, whose license will subsequently be suspended until said sum is paid in full to the City Clerk. Treasurer.
- C. *Character of Pipe for Service Connections.* All service pipes installed on City side and the property side for the purpose of supplying municipal water shall be made of suitable material approved by the City Engineer or a duly authorized representative prior to being installed. Said pipe shall be laid a minimum of thirty-six (36) inches below the established grade. (CC 1965 §16-104; Ord. No. G-796 §4, 3-31-92; Ord. No. G-825 §4, 3-28-93; Ord. No. G-1020 §§1-2, 5-1-07)

SECTION 700.05030: CURB STOPS AND WASTE COCKS

There shall be a curb stop in every service line attached to the water mains, the same to be placed on

the City right-of-way or within one (1) foot of the alley if the main is located in the alley. Curb stop and meter shall be placed in an eighteen (18) inch tile where possible, and in other cases the meter shall have an extension dial and curb stop provided with a Buffalo Pattern service box. There shall be one (1) or more stop and waste cocks attached to every supply pipe, so that the water may be shut off and the residence plumbing entirely drained. (CC 1965 §16-105; Ord. No. G-796 §5, 3-31-92; Ord. No. G-825 §5, 3-28-93)

SECTION 700.06935: MAINTENANCE OF PLUMBING, ETC.—WASTING WATER

All water customers shall keep their own fixtures, service lines and all other appurtenances in good repair and protected from damage at their own expense, and shall prevent all unnecessary waste of water, keeping all fixtures closed when not in use. (CC 1965 §16-106; Ord. No. G-796 §6, 3-31-92; Ord. No. G-825 §6, 3-28-93)

SECTION 700.0740: LOCATION OF WATER SERVICE LINES AND METER INSTALLATIONS

All water service lines supplying water from the City to the property, and all meter and meter installations shall be placed in the City right-of-way outside of the property line, or within one (1) foot of the alley line if the main is located in the alley, unless specifically allowed by the City Engineer to place the meter on private property. (CC 1965 §16-107; Ord. No. G-796 §7, 3-31-92; Ord. No. G-825 §7, 3-28-93)

SECTION 700.08045: RELOCATION OR ADJUSTMENT OF WATER SERVICE LINES AND METER INSTALLATIONS

Upon the installation of a water service line or meter installation, any relocation or adjustment of the service and/or meter installations shall be at the customer's expense. (CC 1965 §16-108; Ord. No. G-796 §8, 3-31-92; Ord. No. G-825 §8, 3-28-93)

SECTION 700.0950: FEES, NEW SERVICE AND REPLACEMENT—WATER TAPS IN MAINS

- A. The fee charged to the property owner for tapping a City water main for connection to the property shall be paid in full to the City Clerk upon application of such request unless already paid during construction of subdivision or through special improvement district. The fees for water taps in mains are as follows shall be charged per metered unit, to wit:

$\frac{5}{8}$ inch to $\frac{3}{4}$ inch connection	\$ 654.00	(Includes tap, line to meter box, meter box and labor)
1 inch connection	882.00	
1½ inch connection	1,710.00	
2 inch connection	1,810.00	
$\frac{5}{8}$ inch to $\frac{3}{4}$ inch meter installation	250.00	(for meter installation)
1 inch meter installation	300.00	

The charge for tapping water mains for connecting essential and non-essential water supply will be the actual cost to the City, but in no case shall be less than the charge for the above stated connection/meter installation. The party desiring connection/meter installation shall make an application therefore to the City Clerk Treasurer accompanied by a sum sufficient to cover the City Engineer's estimated cost of the connection/meter installation. Upon completion of the work, the City Engineer shall render a statement of the actual cost of the connection and the applicant shall pay to the City Clerk Treasurer any deficit for the actual cost not covered by the amount paid or will receive the unused portion. There shall be no charge made to the customer for replacement of a tap or service due to failure of City mains or materials as identified by the City Manager or an authorized designate.

- B. Water meters for non-essential water supply shall be installed only if a backflow prevention device approved by the City Engineer is installed with or included with the lawn sprinkler system or other non-essential water supply device. (CC 1965 §16-109; Ord. No. G-796 §9, 3-31-92; Ord. No. G-825 §9, 3-28-93; Ord. No. G-952 §§1,5, 7-29-03; Ord. No. G-1016 §§1-2, 2-20-07)
- C. In addition to water meter fees required herein, there shall be a permit obtained with a fee of twenty-five dollars (\$25.00) for each and every lawn sprinkler system connection to the water main of the
- 482.6

- water utility of the City of Junction City. This permit shall be obtained by the person installing the lawn sprinkler system and must contain the approval of the owner of the land.
- D. Before any ditches containing water service lines and valves serving the lawn sprinkler system are covered, the permit holder shall notify the Code Enforcement office, and such ditches shall not be covered until the water service lines and valves contained therein have been found to be in compliance with the applicable Codes of the City of Junction City, Kansas.

SECTION 700.140055: ABANDONED SERVICE LINES TO BE CAPPED OR PLUGGED

When a service line is abandoned the Water Department shall shut off and cap or plug the line at the corporation stop. If the line is to be utilized at a later date the line will be reactivated by the Water Department at the property owner's expense. (CC 1965 §16-110; Ord. No. G-796 §10, 3-31-92; Ord. No. G-825 §10, 3-28-93)

SECTION 700.14060: WATER TO BE METERED

All water sold by the Municipal Water System of the City of Junction City shall be measured by an approved meter unless supplied under special contract according to established rates as approved by the City Commission. (CC 1965 §16-111; Ord. No. G-796 §11, 3-31-92; Ord. No. G-825 §11, 3-28-93)

SECTION 700.120: ~~MOVED TO ARTICLE II, METERS~~

SECTION 700.13065: WATER RATES—DEPOSITS, GUARANTEES AND FEES FOR SERVICE

- A. Deposit fees in the amounts specified below shall be paid by each customer at the time application is made for City water service as security for payment of bills. This deposit shall draw interest at the rate provided by State law, and shall be refunded to the customer or credited against the last bill of service at the time service is discontinued, or after a period of two (2) years of continuous timely payments, or may be extended for additional years. If a customer has a period of two (2) years of continuous, timely payments, the security deposit for a new account may be waived at the discretion of the department head or designee.
- B. *Required Deposits.*
1. *Residential.*

Single-family dwelling	\$100.00
Multi-family/duplex and apartments, per meter	100.00
Mobile home courts, per unit	1 100.00
 2. *Business establishments.*

Professional offices and business building	\$150.00
Taverns, clubs, restaurants, grocery stores, service stations	\$250.00
Factories and large business establishments to include:	
Dairies, ice plants, laundries, auto wash, motels and hotels	
and department stores	\$250.00
- C. *Transfer of Service.* Deposits and guarantees may be transferred from one service address to another upon approval by the staff.
- D. *Delinquency — Additional Deposit.* If a customer's account appears on the list for non-payment three (3) or more times, an additional deposit each occurrence equal to one hundred percent (100%) of the deposit required in Subsection (B) of this Section will may be required prior to reconnection of water service.
- E. *Service Fee.* Upon request for water service, a one-time fee of twenty-five dollars (\$25.00) shall be applied to the customer's first (1st) monthly water bill. If City is required to return due to water running, an additional fee of twenty-five dollars (\$25.00) will be assessed each time. The fee is non-refundable and shall apply to transfer of services, temporary on, and new service. ~~The fee shall be non-assessable to the landlords if tenants fail to pay.~~
- F. *After Hours Service Rate.* If City staff is required to provide services after hours, a fee of ~~twenty-five dollars (\$25.00)~~ fifty dollars (\$50.00) shall be paid by the applicant for service. (CC 1965 §16-113; Ord. No. G-796 §13, 3-31-92; Ord. No. G-825 §13, 3-28-93; Ord. No. G-909 §1, 12-5-00; Ord. No. G-952 §3,5, 7-29-03)

SECTION 700.140: — PAYMENT OF WATER USED

All property owners who shall permit City water to be piped to and used upon the owner's premises shall thereby become liable for the payment of all water used upon said premises, and the same shall be recorded by the City Clerk and charged to said land owner. Any premises delinquent in the payment of a water account will not be supplied water until all accounts and further deposits as may be required are paid in full to the City. If, after notice of delinquency has been sent to the property owner, the bill is not paid within thirty (30) days of the time required, whether or not service has been terminated, the Water Department shall certify to the City Clerk the amount due and owing as an assessment. The City Clerk shall certify the assessment to the County Clerk at the time other special assessments are certified for spreading on the tax rolls of the County. (CC 1965 §16-114; Ord. No. G-796 §14, 3-31-92; Ord. No. G-825 §14, 3-28-93)

SECTION 700.15070: WATER ACCOUNTS

The City Clerk Treasurer shall be the collector of accounts due the City for the sale of water service and shall prepare the monthly bill of all such accounts due the City for the sale of water service and shall prepare the monthly bill of all such accounts from meter readings supplied by employees of the Department. The City Clerk Treasurer shall keep separate accounts with each customer showing complete transactions between the City and each customer. The City Clerk Treasurer shall keep a separate water fund, sales tax account, a customer's deposit account, and such other funds and/or accounts as may be required by an ordinance or law. (CC 1965 §16-115; Ord. No. G-796 §15, 3-31-92; Ord. No. G-825 §15, 3-28-93)

SECTION 700.16075: TAX EXEMPTION STATUS—WATER ACCOUNTS, FORMS TO BE FILED

All persons, firms and corporations requesting a tax exempt status on monthly water accounts due the City shall be required to fill out and file with the City Clerk Treasurer a form which will be available at the office of the City Clerk-Treasurer; provided however, no tax exemption status will be given to any person, firm or corporation that does not meet the qualifications as set forth in K.S.A. 79-3606. (CC 1965 §16-116; Ord. No. G-796 §16, 3-31-92; Ord. No. G-825 §16, 3-28-93)

SECTION 700.17080: WATER RATES—MONTHLY MINIMUM CHARGE

- A. The rates per month to be charged and paid for water sold from the Municipal Water System of the City of Junction City, Kansas, shall be as follows:

Monthly Minimum Charge		
(Includes First 200 C.F. of Usage)		
<i>Meter Size</i>	<i>Rate</i>	
Water meters less than 1 inch	\$ 14.51	\$ 17.51
Water meters over 1 inch and up to and including 1½ inches	96.19	\$ 99.19
Water meters over 1½ inches and up to and including 2 inches	191.22	\$194.19
Water meters over 2 inches and up to and including 3 inches	283.22	\$286.22
Water meters over 3 inches and up to and including 4 inches	375.81	\$378.81
Water meters 4 inches and above	472.90	\$475.90

~~Each year hereafter, on August first (1st), the above water rates shall be adjusted by the amount of the increase in the Consumer Price Index, as published, for the preceding twelve (12) months.~~

- B. *Monthly Rates Fixed.* All water usage over two hundred (200) cubic feet and not more than one thousand (1,000) cubic feet shall be billed monthly at the rate of one dollar ~~fifteen cents (\$1.15)~~ thirty nine cents (1.39) per one hundred (100) cubic feet and all water usage over and above one thousand (1,000) cubic feet shall be billed monthly at the rate of one dollar ~~forty five cents (\$1.45)~~ seventy five cents (1.75) per one hundred (100) cubic feet.

Each year hereafter, on August first (1st), the above water rates in Section A and B shall be adjusted by the amount of the increase in the Consumer Price Index, as published, for the preceding twelve (12) months.

- C. *Charge When Meter Fails to Register — Estimate, Inclement Weather.* In case any meter fails to register for any cause and/or when outdoor conditions prevent reading of the meter, as determined by

the City ~~Clerk~~ Treasurer or designee, the amount charged for water during such period shall be estimated by the Clerk, such estimate to be based on the average amount registered during a like preceding period and such other information as is available.

- D. *Water Rates — Lawn Irrigation.* The monthly charge for water used for irrigation systems shall be charged at the rate for a one (1) inch and less meter, as shown in Subsection (A) of this Section. (CC 1965 §16-117; Ord. No. G-796 §17, 3-31-92; Ord. No. G-813 §§1-2, 9-8-93; Ord. No. G-825 §17, 3-28-93; Ord. No. G-861, 9-17-96; Ord. No. G-909 §2, 12-5-00; Ord. No. G-952 §§4-5, 7-29-03)

SECTIONS 700.180-700.190: RESERVED

Editor's Note — Ord. no. G-909 §3, adopted December 5, 2000, repealed sections 700.180 "rural water rates—monthly minimum charge" and 700.190 "water rates—water delivered through meters installed in series", in their entirety with no replacement provisions. Former sections 700.180-700.190 derived from CC 1965 §§16-118-16-119; ord. no. G-796 §§18-19, 3-31-92; ord. no. G-813 §§3-4, 9-8-93 and ord. no. G-825 §§18-19, 3-28-94.

SECTION 700.2090: PAYABLE MONTHLY

- A. Each water bill shall be payable in full upon the rendering of such bill and if not paid on or before the specified due date as shown on the bill, such bill shall be considered delinquent upon completion of the cut-off resolution register and subject to a delinquency penalty.
- B. *Delinquency Penalty.* All bills unpaid ~~twenty (20) working~~ eighteen (18) calendar days after date of issue shall be considered delinquent and subject to an additional charge of ten percent (10%) on the gross amount of the billing.
- C. *Delinquency — Termination.* If the rendered bill and delinquency penalty are not paid within seven (7) days after the bill is declared delinquent, then service shall be terminated per Section 700.230. (CC 1965 §16-120; Ord. No. G-796 §20, 3-31-92; Ord. No. G-825 §20, 3-28-93)

SECTION 700.21095: WATER DEPARTMENT NOT RESPONSIBLE FOR DELIVERY OF BILLS

The Water Department does not assume the responsibility for speedy and safe delivery of, or failure to receive bill; further, it shall be the customer's duty to notify the City Water Department within a reasonable amount of time of any change in billing address. The amount owed may be obtained from the Water Department office. (CC 1965 §16-121; Ord. No. G-796 §21, 3-31-92; Ord. No. G-825 §21, 3-28-93)

SECTION 700.22100: ADJUSTMENT OF WATER BILLS IN CASE OF UNDERGROUND LEAKS

The City Manager or an authorized designee may adjust excessive water bills occasioned by underground leaks not to exceed fifty percent (50%) over and above the established average bill for the premises upon which such leak is located; Provided, that the person employed to repair such leak shall, ten (10) days after completion of said repair, certify in writing to the office of the City Clerk as to the existence of said leak, that said leak was underground and the same was not apparent to the occupant of said premises upon reasonable observation. No adjustment will be given until the underground leak is verified by the meter reader foreman or a duly authorized representative. (CC 1965 §16-122; Ord. No. G-796 §22, 3-31-92; Ord. No. G-825 §22, 3-28-93)

SECTION 700.230105: DELINQUENT ACCOUNTS-DISCONTINUANCE OF SERVICE

- A. Water service bills shall contain the following additional information/notice:
1. The date on which the account will become delinquent.
 2. The amount due if not paid timely (late charge).
 3. The date that water service will be discontinued if water service is not fully paid for.
 4. The customer's right to request a hearing before the City Manager or his/her designee at least three (3) days prior to the termination date.
 5. ~~No separate delinquency notices will be mailed to customers.~~
- B. ~~A duplicate Notice of Termination of Water Service for delinquent accounts will be sent upon written request to the property owner identifying their service address(es).~~
- BC. The request for a hearing must be filed with the City ~~Clerk~~ Treasurer no later than three (3) working days before the date indicated in the delinquent notice for termination of service. If the water service to the property shall be disconnected, it shall remain as disconnected until such customer or other

interested person or persons shall pay the full amount of all water bills, including a service charge of fifty dollars (\$50.00) plus applicable State and local tax. If the meter is removed, service charge will be an additional fifty dollars (\$50.00) plus applicable State and local tax. (CC 1965 §16-123; Ord. No. G-796 §23, 3-31-92; Ord. No. G-825 §23, 3-28-93; Ord. No. G-952 §§4-5, 7-29-03)

SECTION 700.24110: CUSTOMER NOTIFICATION OF CANCELLATION OF SERVICE

- A. It shall be the duty of each customer registered with the City Clerk Treasurer to receive City water service to notify the City of a cancellation of City water service to said customer's premises. All notification of cancellation shall be made either in person at the City Clerk's Treasurer's office, by written letter stating the same, or by the telephone.
- B. Upon the effective date of the notification of cancellation, the City Clerk Treasurer shall cause the City water service to said address to be terminated. Thereupon, the City Clerk Treasurer shall close out and settle all water accounts with said customer. The City Clerk Treasurer shall credit to the customer's account any and all deposits and guarantees, and any interest thereon, that said customer paid to the City pursuant to Section 700.13065 contained herein.
- C. Said customer and/or property owner (~~per Section 700.140~~) shall be responsible for any outstanding accounts due the City and shall pay in full the same; provided however, that if said account is less than deposits and guarantees, and any interest thereon, paid by said customer, then the City Clerk Treasurer shall cause a refund to said customer in the amount of the difference between the deposits and guarantees, and any interest thereon, and the amount of the final water account owed the City. (CC 1965 §16-124; Ord. No. G-796 §24, 3-31-92; Ord. No. G-825 §24, 3-28-93)

SECTION 700.250115: SERVICE NOT TO BE FURNISHED UNTIL ACCOUNTS PAID

Whenever any customer of water shall move from one (1) location or premises to another in the City and has complied with Section 700.130 (C) herein, or whenever water is turned off at any premises, or whenever any customer or applicant for water service is indebted to the Water Department of the City for any water service previously furnished to said customer either at the premises for which the applicant is made or at any other place in the City, the City Clerk Treasurer shall refuse to turn on or authorize the turning on of water for any such customer or applicant at any place until all previous charges due to the City for whatever premises, have been fully paid by such customer or applicant, and all other requirements and charges whether in the nature of penalties, shut off or turn on charges, or deposits, shall have been paid, and no applicant or customer shall be entitled to have water turned on at any premises until all such charges have been fully paid and such requirements been followed. (CC 1965 §16-125; Ord. No. G-796 §25, 3-31-92; Ord. No. G-825 §25, 3-28-93)

SECTION 700.26120: UNLAWFUL USE OF WATER

- A. It shall be unlawful for any person to take or use water from the Waterworks of the City without notice to the Water Department and without payment for the same as provided by the rules and regulations contained herein. No person shall turn on or shut off the water at any valve, curb stop, corporation stop or other places regulating the supply of water to any premises or part of the Waterworks System except duly authorized employees of the Department of persons authorized to do so by the City Clerk.
- B. Theft of Services.
 - a. Theft of Service is obtaining services from another by deception, threat, coercion, stealth, tampering or use of false token or device.
 - b. Services within the meaning of this section, includes, but is not limited to, labor, professional service, public or municipal utility and the supplying of equipment for use.
 - c. Tampering within the meaning of this section includes, but is not limited to:
 - a. Making a connection of any conduit or device, to any service lined owned by the City;
 - b. Defacing, puncturing, removing, reversing or altering any meter or any connections for the purpose of securing unauthorized or unmeasured water service;
 - c. Preventing any such meter(s) from properly measuring or registering;
 - d. Knowingly taking, using, or converting to such person's own use, or the use of

another, any water which has not been measured or any service which has not been authorized;

- e. Causing, procuring, permitting, aiding, or abetting any person to do any of the preceding acts.

4. In any prosecution under this section, the existence of any of the connections of meters, alterations, or use of unauthorized or unmeasured water specified in subsection 3. shall be prima facie evidence of intent to violate the provisions of this section by the person or persons using or receiving the direct benefits from the use of water passing through such connections or meters which has not been authorized or measured.

(CC 1965 §16-126; Ord. No. G-796 §26, 3-31-92; Ord. No. G-825 §26, 3-28-93)

SECTION 700.270125: PENALTIES

- A. ~~Any person who shall continue any violation of Title VII., Chapter 700 Water and Waterworks beyond the time limit provided for in Section 700.200 shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding one hundred dollars (\$100.00) (1,000.00) for each violation, or a jail sentence not exceeding thirty (30) days, or both such fine and incarceration. If the conviction is for a violation committed after a first (1st) conviction, punishment shall be a fine not exceeding three hundred dollars (\$300.00) per day of such violation, together with imprisonment of not more than ninety (90) days as may be assessed by the court for each day of violation. Each day in which such violation shall continue shall be deemed a separate offense. Any person violating any of the provisions of this Article shall become liable to the City for any expense, loss, fines, penalties, damages, or attorney fees occasioned by the City, by reason of such violation.~~

See Title 1, Article V regarding violations and penalties. (CC 1965 §16-127; Ord. No. G-796 §27, 3-31-92; Ord. No. G-825 §27, 3-28-93)

ARTICLE II. METERS

SECTION 700.200: DEFINITIONS

The following words and phrases, when used herein, shall have the meanings respectively ascribed to them:

- A. Hydrant meter: Hydrant meter shall mean the meter and appurtenances connected to a fire hydrant for the temporary use of water.
- B. Meter: Meter shall mean a device, connected to a water main, used to measure and record the rate of water flow.

SECTION 700.205: METER INSTALLATION

The Governing Body is hereby authorized to measure all water furnished by meters and meters shall be installed at the expense of the property owner.

SECTION 700.210: METER TESTING, APPROVAL.

The City shall supply, install and maintain all meters connected with the Municipal Water System. If at any time the customer desires to have the meter tested for accuracy, the same shall be done by the City and a fee of ten dollars (\$10.00) charged to the customer if and only if the meter registers ninety-seven percent (97%) or more accurate. If a meter registers less than ninety-seven percent (97%) accurate, said meter shall be replaced or repaired and no fee will be assessed to the customer. Pressure checks shall be done at a cost of ten dollars (\$10.00). There will be no charge for any check when the pressure reading is less than thirty-five (35) P.S.I. at the meter. (CC 1965 §16-112; Ord. No. G-796 §12, 3-31-92; Ord. No. G-825 §12, 3-28-93; Ord. No. G-952 §2, 5, 7-29-03;)

SECTION 700.215: METERS ACCESSIBILITY

- A. *Right of Entry — Reading for Billing Purposes — Rereads.* The City Clerk Treasurer or duly authorized persons may enter any premises supplied with water service in order to inspect or repair water facilities, meters, pipes or fixtures or to investigate the use of water or to obtain meter readings. All rereads will be performed at the rate of ten dollars (\$10.00) each. There will be no charge if the reading is found to be in error.
- B. *To be Accessible, Unobstructed.* The occupant of any building or premises or customer of service

therefor or premises where a meter is located shall keep the meter conveniently accessible for reading, inspecting or repairing. Where a water meter is inaccessible due to the non-cooperation of the customer, vehicle, fences, locked gates, dogs, or any other obstruction the City Clerk Treasurer may require that the obstruction to be removed within twenty (20) days or less ~~meter be moved to a location designated by the City Clerk at the expense of the property owner.~~ If an obstruction to the meter is removed, the City has the right to terminate service until such obstruction is removed to the satisfaction of the City or the City is authorized to remove by towing or other reasonable method any vehicle or other obstruction which interferes with accessibility to the meter for reading, inspection or repairing. The costs of such removal shall be added to the next monthly water bill and shall be due and owing in the same manner as for water used. ~~under Section 700.140~~ (CC 1965 §16-112; Ord. No. G-796 §12, 3-31-92; Ord. No. G-825 §12, 3-28-93; Ord. No. G-952 §§2,5, 7-29-03;)

SECTION 700.220: METER DAMAGE AND TAMPERING

- A. *Customer Responsible for Damage.* Whether a meter setting is located in a building, an approved meter box, or within a housing in the parking area or sidewalk or elsewhere, the customer or owner of the property in which such meter is placed shall be responsible for the protection and preservation of the meter, meter box, or meter housing. ~~and any damage sustained and for its setting shall be charged to the customer or owner of the property served and the same shall be collectible in the same manner as monthly water bills.~~ It shall be unlawful for any individual to intentionally rearrange, injure, alter, interfere with or otherwise tamper with the city's public water supply system. The cost of repairs for damages shall be collectible in the same manner as the monthly water bill or the City may pursue civil action as outlined in K.S.A. 66-1602.
- B. *Damage by Hot Water, Steam, Improper Thawing.* Whenever a meter is damaged by hot water or steam or by an improper method of thawing when frozen, except by authorized City personnel, the cost of the repairs shall be chargeable to the customer and the same shall be collectible in the same manner as monthly water bills. (CC 1965 §16-112; Ord. No. G-796 §12, 3-31-92; Ord. No. G-825 §12, 3-28-93; Ord. No. G-952 §§2,5, 7-29-03;)

SECTION 700.225: METER REPLACEMENT

System-wide replacement of water meters to incorporate new technology and improve the accuracy of meter readings shall be done at the expense of the water division. The new meters shall be considered property of the water division. The cost of replacing water meters which become un-repairable due to discontinuance of repair parts or which are worn beyond repair by usage shall be replaced at the water division's expense.

SECTION 700.230: HYDRANT METER – PERMIT REQUIRED

A hydrant meter permit is hereby required before installation of a hydrant meter. The permit shall be issued by the water division after the following conditions are met by the permit applicant:
Submit completed hydrant meter permit application;

- a. Provide payment in full of the applicable deposits and fees; and
- b. Provide payment in full of any delinquent amounts due to water division for customer's account.

SECTION 700.235: HYDRANT METER – DEPOSIT REQUIRED

- A. Hydrant meter deposit amounts shall be established by the water superintendent, as approved by the public works director, and set forth on a schedule maintained by the water superintendent. Such fees shall be based upon the size of the hydrant meter, and cost for the water division to replace the hydrant meter and hydrant wrench.
- B. A refundable deposit shall be required and held without interest. Upon request from customer, deposit shall be refunded after hydrant meter is returned to water division and any cost of damage to meter, meter appurtenances and delinquent amounts due to water division for customer's account have been paid in full.

SECTION 700.240: HYDRANT METER - FEES

- A. Hydrant meter rental fee amounts shall be established by the water superintendent, as approved by the public works director, and set forth on a schedule maintained by the water superintendent. Such fees shall be based on operating costs for issuing and maintaining hydrant meters.

- B. Customers shall be charged rental fees on a monthly basis, with a minimum charge of one month's rental. Under no circumstances shall fees be prorated.
- C. Customers shall be assessed, when applicable, administrative fees such as: Annual testing fee, manual meter reading and consumption estimation fee, and delinquent account fee.
- D. Administrative fee amounts shall be established by the water superintendent, as approved by the public works director, and set forth on a schedule maintained by the water superintendent. Such fees shall be based on operating costs for testing and billing for hydrant meters and may be waived when customers comply with testing and billing requirements.

Article III. Fire Hydrants

SECTION 700.300: INSTALLATION OF FIRE HYDRANTS

It shall be unlawful for any person to install, or cause to be installed, on public or private property, any fire hydrant for use other than that type and style presently approved by the water division. (Ord. No.)

SECTION 700.305: OBSTRUCTION

No person shall obstruct, in any way, easy accessibility of a fire hydrant by placing material of any kind, fences or temporary structures, trenches or holes, making it dangerous to firefighters in connecting to the fire hydrant, or impair the accessibility of a fire hydrant in any way.

SECTION 700.310: USE BY CITY DEPARTMENTS AND DIVISIONS

Water used by all city departments and divisions from a fire hydrant shall be measured by a method acceptable to the water superintendent. The fire department shall submit a report monthly to the water division stating estimated water usage for firefighting. All other city divisions or departments shall report to the water division the amount of water used by their department or division.

SECTION 700.315: CHANGING LOCATION

Any change in the location of a fire hydrant must meet the approval of the fire chief, the city engineer and the water division. The cost of moving a hydrant shall be paid by the party desiring the change.

SECTION 700.320: ALTERING COLOR

It shall be unlawful for any person to alter the color of any fire hydrant in the city without approval from the Fire Chief. (Ord. No.)

SECTION 700.325: DAMAGE TO FIRE HYDRANT

Any person who shall, in any way, damage or impair a fire hydrant shall immediately notify the water division, giving his name and address and the exact location of the fire hydrant impaired.

SECTION 700.330: ILLEGAL USE OF A FIRE HYDRANT – VIOLATION AND PENALTY

- A. It shall be unlawful for any person to use a fire hydrant without a city-approved hydrant meter; provided, however, this subsection shall not apply to authorized city employees' use of a fire hydrant.
- B. It shall be unlawful for any person, other than authorized city fire department employees, to use any fire hydrant identified as a "firefighting use only" hydrant.
- C. See Title 1, Article V regarding violations and penalties of city code.

ARTICLE IV. FLUORIDATION OF CITY WATER SUPPLY

SECTION 700.280400: FLUORIDE CONTENT—AUTHORIZATION

Upon receiving the consent and approval of the State Board of Health and until further direction of the Governing Body, the Water Department is hereby authorized and directed to provide the means and to proceed with the introduction of sufficient fluoride to raise the total fluoride concentration in the

finished water to 1.0 part of fluoride to every million (1,000,000) parts of water being distributed in the water supply system of the City of Junction City, Kansas. (R.O. 1956; CC 1965 §16-201)

SECTION 700.290410: FUNDS FOR FLUORIDE

Funds for fluoridation shall be provided from Water Department funds. (R.O. 1956; CC 1965 §16-202)

**ARTICLE V. WATER CONSERVATION, RATIONING AND RESTRICTIONS
ON WATER SUPPLY**

Editor's Note—Ord. no. G-850 §13 adopted on 2-20-96 repealed article III §§700.300 through 700.350 and enacted the new provisions set out herein. Former article III §§700.300 through 700.350 derived from cc 1965 §§16-401 through 16-406 and ordinance no. G-730 §§16-401 through 16-406 adopted 5-23-89.

SECTION 700.3400: PURPOSE

The purpose of this Article is to provide for the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the City in the event such a watch, warning or emergency is declared. (Ord. No. G-850 §1, 2-20-96)

SECTION 700.305405: DEFINITIONS

- A. For the purposes of this Article the following terms shall be deemed to have the meaning indicated below:

WATER: Water available to the City of Junction City for treatment by virtue of its water rights or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.

CUSTOMER: The customer of record using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

WASTE OF WATER: Includes, but is not limited to:

1. Permitting water to escape down a gutter, ditch, or other surface drain, or
2. Failure to repair a control-label leak of water due to defective plumbing.

- B. The following classes of uses of water are established:

1. *Class 1.* Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational area; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.
2. *Class 2.* Water used for any commercial or industrial, including agricultural, purposes: except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.
3. *Class 3.* Domestic usage, other than that which would be included in either classes 1 or 2.
4. *Class 4.* Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation. (Ord. No. G-850 §2, 2-20-96)

SECTION 700.3410: DECLARATION OF WATER WATCH

Whenever the Governing Body of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare by resolution that a water watch exists and that it shall take steps to inform the public and ask the public for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the Governing Body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official City newspaper. (Ord. No. G-850 §3, 2-20-96)

SECTION 700.3415: DECLARATION OF WATER WARNING

Whenever the Governing Body of the City finds that drought conditions or some other condition causing major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it recommend restrictions on

non-essential uses during the period of the warning. Such a warning shall be deemed to continue until it is declared by resolution of the Governing Body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official City newspaper. (Ord. No. G-850 §4, 2-20-96)

SECTION 700.3420: DECLARATION OF WATER EMERGENCY

Whenever the Governing Body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the Governing Body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official City newspaper. (Ord. No. G-850 §5, 2-20-96)

SECTION 700.3425: VOLUNTARY CONSERVATION MEASURES

Upon the declaration of a water watch or water warning as provided in Section 700.310 and 700.315, the City Manager is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses:

1. Sprinkling of water on lawns, shrubs or trees (including golf courses, unless supplied by well).
2. Washing of automobiles.
3. Use of water in swimming pools, fountains and evaporative air-conditioning systems.
4. Waste of water. (Ord. No. G-850 §6, 2-20-96)

SECTION 700.3430: MANDATORY CONSERVATION MEASURES

Upon the declaration of a water supply emergency as provided in Section 700.320, the City Manager is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

1. Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the effective date of the declaration of the emergency;
2. Restrictions on the uses of water in one or more classes of water use, wholly or in part;
3. Restrictions on the sales of water at coin-operated facilities or sites;
4. The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;
5. Complete or partial bans on the waste of water; and
6. Any combination of the foregoing measures. (Ord. No. G-850 §7, 2-20-96)

SECTION 700.3435: EMERGENCY WATER RATES

Upon the declaration of a water supply emergency as provided in Section 700.320, the Governing Body of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not to be limited to:

1. Higher charges for increasing usage per unit of use (increasing block rates);
2. Uniform charges for water usage per unit of use (uniform unit rate); or
3. Extra charges in excess of a specified level of water use (excess demand surcharge). (Ord. No. G-850 §8, 2-20-96)

SECTION 700.3440: REGULATIONS

During the effective period of any water supply emergency as provided for in Section 700.320, the City Manager is empowered to promulgate such regulations as may be necessary to carry out the provisions of this Article, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the Governing Body at its next regular or special meeting. (Ord. No. G-850 §9, 2-20-96)

SECTION 700.3445: VIOLATIONS, DISCONNECTIONS AND PENALTIES

- A. If the City Manager, Water Superintendent, or other City official or officials charged with implementation and enforcement of this Article or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to Section 700.330 or Section 700.340 of this

Article, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the City who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may terminate water service to the customer subject to the following procedures:

1. The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City Governing Body or a City official designated as a Hearing Officer by the Governing Body;
 2. If such hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and
 3. The Governing Body or Hearing Officer shall make findings of fact and order whether service should continue or be terminated.
- B. ~~A fee of fifty dollars (\$50.00) shall be paid for the reconnection of any water service terminated pursuant to Subsection (A). In the event of subsequent violations, the reconnection fee shall be two hundred dollars (\$200.00) for the second violation and three hundred dollars (\$300.00) for any additional violations.~~
- C. ~~Violations of this Article shall be a municipal offense and may be prosecuted in Municipal Court. Any person so charged and found guilty in Municipal Court of violating the provisions of this Article shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of one hundred dollars (\$100.00). In addition, such customer may be required by the Court to serve a definite term of confinement in the City or County Jail, which shall be fixed by the Court and which shall not exceed thirty (30) days. The penalty for a second or subsequent conviction shall be a mandatory fine of two hundred dollars (\$200.00). In addition, such customer shall serve a definite term of confinement in the City or County Jail which shall be fixed by the Court and which shall not exceed thirty (30) days. Any person who shall continue any violation of Sections 700.300 through 700.345 beyond shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding one hundred dollars (\$100.00) for each violation, or a jail sentence not exceeding thirty (30) days, or both such fine and incarceration. If the conviction is for a violation committed after a first (1st) conviction, punishment shall be a fine not exceeding three hundred dollars (\$300.00) per day of such violation, together with imprisonment of not more than ninety (90) days as may be assessed by the court for each day of violation. Each day in which such violation shall continue shall be deemed a separate offense. Any person violating any of the provisions of this Article shall become liable to the City for any expense, loss, fines, penalties, damages, or attorney fees occasioned by the City, by reason of such violation. See Title 1, Article V regarding violations and penalties. (Ord. No. G-850 §10, 2-20-96)~~

SECTION 700.3450:

EMERGENCY TERMINATION

Nothing in this Article shall limit the ability of any properly authorized City official from terminating the supply of water to any or all customers upon the determination of such City official that emergency termination of water service is required to protect the health and safety of the public. (Ord. No. G-850 §11, 2-20-96)

ARTICLE V. CROSS-CONNECTIONS

SECTION 700.360500:

PURPOSE

The purpose of this Article is to protect the public water supply of the City of Junction City, Kansas, from contamination due to backflow or back-siphonage from any cross-connection; and to prohibit and eliminate all cross-connections to the public water supply; and to provide for the maintenance of a continuing effective cross-connection control program. This program shall include regularly scheduled inspections to detect and eliminate current cross-connections and to prevent future cross-connections. (Ord. No. G-790 §1, 1-5-93)

SECTION 700.370510: DEFINITIONS

For the purposes of this Article, the following terms are hereby defined:

BACKFLOW: The unwanted reverse flow of water, other liquids, gasses, mixtures, or other substances in the distributing pipes of a potable water supply from any source or sources. For specific conditions of backflow, see "*back-siphonage*" and "*back-pressure*".

BACK-PRESSURE: Pressure in a plumbing system higher than the supply pressure which causes a reversal of flow. (Example: pumps, thermal expansion from boilers.)

BACK-SIPHONAGE: A backflow resulting from negative or sub-atmospheric pressures in the distributing pipes of a potable water supply.

CROSS-CONNECTION: Any physical connection or arrangement between two (2) otherwise separate piping systems, one (1) of which contains potable water, and the other, water of unknown or questionable safety, or stream, gasses or chemicals, whereby there may be a flow from one (1) system to the other.

(Ord. No. G-790 §2, 1-5-93)

SECTION 700.380520: CROSS-CONNECTIONS PROHIBITED

No person, company, corporation or institution shall establish or permit to be established or maintain or permit to be maintained, any cross-connection whereby a private water supply, or any source of contamination may enter the public water supply of the City of Junction City, Kansas. (Ord. No. G-790 §3, 1-5-93)

SECTION 700.390530: PROTECTIVE BACKFLOW PREVENTERS REQUIRED

In accordance with the requirements outlined in the current adopted Plumbing Code as adopted by the City of Junction City, Kansas, approved devices to protect against backflow or back-siphonage shall be installed at all fixtures and equipment where backflow and back-siphonage may occur and where there is a hazard of contamination of the potable water supply system. (Ord. No. G-790 §4, 1-5-93; Ord. No. G-1026 §1, 7-17-07)

SECTION 700.400540: INSPECTION

- A. The Code Administrator or his/her designated inspector shall have the right of entry into any building or premises in the City as frequently as necessary in order to ensure that plumbing has been installed in a manner as to prevent the possibility of contamination of the public water supply of the City of Junction City, Kansas.
- B. Any person, company, corporation or institution shall be required to have their backflow preventers inspected annually by a certified backflow tester/repair technician and shall furnish a copy of said inspection to the City of Junction City Code Enforcement Department.
- C. All water accounts that have systems untested or not in compliance of Section B by July 1 of each calendar year, there shall be added to their monthly utility bill a surcharge of ten dollars (\$10.00) per month until proof of testing has been received by the City or proof that the system is in compliance with city code. The provisions of Section 700.110 (Termination of Service) shall apply to the ten dollar (\$10.00) surcharge. (Ord. No. G-790 §5, 1-5-93; Ord. No. G-1026 §2, 7-17-07)

SECTION 700.410550: PROTECTION FROM CONTAMINANTS

Pursuant to the authority given under Home Rule Powers and K.S.A.65-163a, the City of Junction City, Kansas, may refuse to deliver water to any premises where a condition exists which might lead to the contamination of the public water and may continue to refuse to deliver water until the condition is corrected to the satisfaction of the City. In addition, the City may immediately terminate water service to a premise where a backflow or back-siphonage condition exists which may be hazardous to the health of customers served by the public water supply system of the City of Junction City, Kansas. (Ord. No. G-790 §6, 1-5-93)

SECTION 700.420560: ENFORCEMENT

Priority enforcement efforts will be directed to new construction of commercial and residential structures. Replacement or repair of existing plumbing fixtures, water piping, or drain piping will

conform with the requirements of this Article. It is the intent of the City to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard. If, in the judgment of the Codes Administrator or his/her authorized representative, cross-connection protection is required through either piping modification or installation of an approved backflow device, due notice shall be given to the customer. (Ord. No. G-790 §7, 1-5-93)

SECTION 700.430570: LIABILITY

Any employee charged with the enforcement of this Article, acting in good faith and without malice for the jurisdiction in the discharge of his/her duties shall not thereby render himself/herself liable personally and he/she hereby is relieved from all personal liability for any damage that may accrue to person or property as a result of any act required, or by reason of any act of omission in the discharge of his/her duties. Any suit brought against an employee, because of such act or omission performed by him/her in the enforcement of any provisions of this Article while acting in good faith and without malice, shall be defended by the legal department of the jurisdiction until final termination of the proceeding.(Ord. No. G-790 §8, 1-5-93)

SECTION 700.440575: BOARD OF APPEALS

An appeal may be taken from any order of ruling by the Codes Administrator or his/her designee. The Junction City Plumbing Board shall act as a Board of Appeals in making a correct determination of any appeal arising from such rulings. Appeals shall be made in writing and the appellant may appear in person before the Board or be represented by an attorney and may introduce evidence to support his/her claims. Appeals shall be heard at reasonable times at the convenience of the Board, but not later than thirty (30) days after receipt thereof. The appellant shall cause to be made at his/her own expense any tests or search required by the Board to substantiate his/her claims. The decision of the Board shall be final.

(Ord. No. G-790 §10, 1-5-93)

SECTION 700.450580: CONFLICT OF ORDINANCES

In any case where a provision of this Article is found to be in conflict with a provision of any other ordinance or Code of the City of Junction City, Kansas, existing on the effective date of this Article, the provision which established the higher standard shall prevail. In any case where a provision of any other ordinance or Code of the City of Junction City, Kansas, existing on the effective date of this ordinance which established a lower standard, the provision of this Article shall be deemed to prevail. (Ord. No. G-790 §11, 1-5-93)

SECTION 700.590: PENALTIES

See Title 1, Article V regarding violations and penalties.

CHAPTER 705: SEWERS

ARTICLE I. PUBLIC AND PRIVATE SEWERS—GENERAL PROVISIONS

SECTION 705.010: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

BOD (Denoting Biochemical Oxygen Demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Centigrade (20°C), expressed in milligrams per liter.

BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

BUILDING SEWER: The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER: A sewer receiving both surface runoff and sewage.

GARBAGE: Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL WASTES: The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

NATURAL OUTLET: Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

PERSON: Any individual, firm, company, association, society, corporation, or group.

pH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.

PUBLIC SEWER: A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

SANITARY SEWER: A sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

SEWAGE: A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

SEWAGE TREATMENT PLANT: Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS: All facilities for collecting, pumping, treating and disposing of sewage.

SEWER: A pipe or conduit for carrying sewage.

SHALL: "Shall" is mandatory; "May" is permissive.

SLUG: Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration, or flows during normal operation.

STORM DRAIN (Sometimes termed "STORM SEWER"): A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT: The City Engineer of the City of Junction City, or his/her authorized deputy, agent, or representative, to include the sewage treatment plant contact operator.

SUSPENDED SOLIDS: Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently.
(CC 1965 §16A-101; Ord. No. G-748 §16A-101, 3-13-90)

SECTION 705.020: UNLAWFUL TO PLACE GARBAGE ON PUBLIC OR PRIVATE PROPERTY

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Junction City, or in any area under the

jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.
(CC 1965 §16A-102; Ord. No. G-748 §16A-102, 3-13-90)

SECTION 705.030: UNLAWFUL TO DISCHARGE SEWAGE TO ANY NATURAL OUTLET

It shall be unlawful to discharge to any natural outlet within the City of Junction City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.
(CC 1965 §16A-103; Ord. No. G-748 §16A-103, 3-13-90)

SECTION 705.040: PRIVY, SEPTIC TANK, ETC., PROHIBITED

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
(CC 1965 §16A-104; Ord. No. G-748 §16A-104, 3-13-90)

SECTION 705.050: BUILDINGS MUST HAVE TOILET FACILITIES

The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his/her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.
(CC 1965 §16A-105; Ord. No. G-748 §16A-105, 3-13-90)

SECTION 705.060: PRIVATE SEWAGE DISPOSAL

- A. Where a public sanitary or combined sewer is not available under the provisions of Section 705.050, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.
- B. Before commencement of construction of a private sewage disposal system, the owner shall first (1st) obtain a written permit signed by the ~~Superintendent~~ Public Works Director. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the ~~Superintendent~~ Public Works Director. A permit and inspection fee of one hundred dollars (\$100.00) shall be paid to the City at the time the application is filed.
- C. A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the ~~Superintendent~~ Public Works Director or duly appointed representative. He/she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the ~~Superintendent~~ Public Works Director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the ~~Superintendent~~ Public Works Director.
- D. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health and Environment of the State of Kansas. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than ninety thousand (90,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. At such time as a public sewer becomes reasonably available to a property served by a private sewage disposal system, as provided in Subsection (D) above, a direct connection shall be made to the public sewer within 120 days of availability and in compliance with this Article; and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material as per Plumbing Code, APWA Uniform Standards, and AWWA Manual M14, current edition.
- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
- G. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer. (CC 1965 §§16A-106-16A-113; Ord. No. G-748 §§16A-106-16A-113, 3-13-90)

SECTION 705.070: PUBLIC SEWERS

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the ~~Superintendent~~ Public Works Director or duly appointed representative.
- B. There shall be two (2) classes of building sewer permits:
1. For residential and commercial service, and
 2. For service to establishments producing industrial wastes.
- In either case, the owner or his/her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the ~~Superintendent~~ City. A permit and inspection fee of five hundred dollars (\$500.00) for a residential building sewer permit, seven hundred fifty dollars (\$750.00) for a commercial building sewer permit and one thousand dollars (\$1,000.00) for an industrial sewer building permit is charged and shall be paid to the City at the time the application is filed. These fees shall apply to new construction connections only.
- C. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building. ~~except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.~~
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the ~~Superintendent~~ City, to meet all requirements of this Section.
- F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code, AWWA standards, or other applicable rules and regulations of the City. ~~In the absence of Code Provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.~~
- G. ~~Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.~~
- H. No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any connection of such drains or downspouts are found, they shall be immediately disconnected from the public sanitary sewer system.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the ~~Superintendent~~ Public Works Director or duly appointed representative before installation.
- J. The applicant for the building sewer permit shall notify the ~~Superintendent~~ Public Works Director or duly appointed representative when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the ~~Superintendent~~ Public Works Director or his/her representative.
- K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard and follow the latest edition of MUTCD (Manual for Uniform Traffic Control Devices) standards for all work within street right of ways. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored as outlined in AWWA Manual M14, current edition,, as per latest edition of APWA (American Public Works Association) Uniform Standards, and as satisfactory to the City. (CC 1965 §§16A-114-16A-122; Ord. No. G-748 §§16A-114-16A-122, 3-13-90; Ord. No. G-1000 §§1-2, 6-20-06)

SECTION 705.080: DISCHARGE OF STORM WATER, DRAIN WATER, ETC., TO ANY

SANITARY SEWER

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(CC 1965 §16A-125; Ord. No. G-748 §16A-125, 3-13-90)

SECTION 705.090: UNPOLLUTED DRAINAGE DISCHARGED TO STORM SEWER

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the ~~Superintendent~~ Public Works Director or duly appointed representative. Industrial cooling water or unpolluted process waters may be discharged on approval of the ~~Superintendent~~ Public Works Director or a duly appointed representative, to a storm sewer, combined sewer, or natural outlet. (CC 1965 §16A-126; Ord. No. G-748 §16A-126, 3-13-90)

SECTION 705.100: TOXIC WASTES SHALL NOT BE DISCHARGED TO PUBLIC SEWER

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(CC 1965 §16A-127; Ord. No. G-748 §16A-127, 3-13-90)

SECTION 705.110: SUBSTANCES THAT MAY DAMAGE SEWAGE SYSTEM

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the ~~Superintendent~~ Public Works Director or duly appointed representative that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the ~~Superintendent~~ Public Works Director or duly appointed representative will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F), sixty-five degrees Centigrade (65°C).
2. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32°F) and one hundred fifty degrees Fahrenheit (150°F).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the ~~Superintendent~~ Public Works Director or duly appointed representative.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic

substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the ~~Superintendent~~ Public Works Director or duly appointed representative for such materials.

6. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the ~~Superintendent~~ Public Works Director or duly appointed representative as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the ~~Superintendent~~ Public Works Director or duly appointed representative in compliance with applicable State or Federal regulations.
8. Any waters or wastes having a pH in excess of 9.5.
9. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
11. Any waters or wastes having:
 - a. A 5-day BOD greater than three hundred (300) parts per million (1,000,000) by weight; or
 - b. Containing more than three hundred fifty (350) parts per million (1,000,000) by weight of suspended solids; or
 - c. Having an average daily flow greater than two percent (2%) of the average sewage flow of the City, shall be subject to the review of the ~~Superintendent~~ Public Works Director or duly appointed representative.

Where necessary in the opinion of the ~~Superintendent~~, Public Works Director, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to:

- a. Reduce the biochemical oxygen demand to three hundred (300) parts per million (1,000,000) by weight; or
- b. Reduce the suspended solids to three hundred fifty (350) parts per million (1,000,000) by weight; or
- c. Control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the ~~Superintendent~~ Public Works Director or duly appointed representative and no construction of such facilities shall be commenced until said approvals are obtained in writing.
(CC 1965 §16A-128; Ord. No. G-748 §16A-128, 3-13-90)

SECTION 705.120: ~~SUPERINTENDENT'S~~ PUBLIC WORKS DIRECTOR'S AUTHORITIES

- A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 705.110 of this Article, and which in the judgment of the ~~Superintendent~~, Public Works Director or duly appointed representative may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the ~~Superintendent~~ Public Works Director or duly appointed representative may:
 1. Reject the wastes;
 2. Require pretreatment to an acceptable condition for discharge to the public sewers;
 3. Require control over the quantities and rates of discharge; and/or
 4. Require payment to cover the added cost of handling and treating the wastes not covered by

existing taxes or sewer charges under the provisions of Section 705.170 of this Article.

- B. If the ~~Superintendent~~ Public Works Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the ~~Superintendent~~, Public Works Director or duly appointed representative, and subject to the requirements of all applicable codes, ordinances and laws.
(CC 1965 §16A-129; Ord. No. G-748 §16A-129, 3-13-90)

SECTION 705.130: GREASE, OIL, AND SAND INTERCEPTORS--WHEN

Grease, oil, and sand interceptors shall be provided when, in the opinion of the ~~Superintendent~~, Public Works Director or duly appointed representative they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the ~~Superintendent~~, Public Works Director or duly appointed representative, and shall be located as to be readily and easily accessible for cleaning and inspection. (CC 1965 §16A-130; Ord. No. G-748 §16A-130, 3-13-90)

SECTION 705.140: PRELIMINARY TREATMENT AT OWNER'S EXPENSE

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

(CC 1965 §16A-131; Ord. No. G-748 §16A-131, 3-13-90)

SECTION 705.150: MANHOLE--WHEN REQUIRED

When required by the ~~Superintendent~~, Public Works Director or duly appointed representative, the owner of any property services by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans and approved by the ~~Superintendent~~ Public Works Director or duly appointed representative. A manhole shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times. (CC 1965 §16A-132; Ord. No. G-748 §16A-132, 3-13-90)

SECTION 705.160: TESTS TO COMPLY WITH "STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER"

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate, or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples.) (CC 1965 §16A-133; Ord. No. G-748 §16A-133, 3-13-90)

SECTION 705.170: SPECIAL ARRANGEMENT WITH CITY

No statement contained in this Article shall be construed as preventing any special arrangement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern. (CC 1965 §16A-134; Ord. No. G-748 §16A-134, 3-13-90)

SECTION 705.180: DAMAGING SEWAGE WORKS

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. ~~Any person violating this provision shall be subject to a fine not more than five hundred dollars (\$500.00).~~ (CC

SECTION 705.190: AUTHORITY TO ENTER PROPERTY TO INSPECT

- A. The ~~Superintendent~~ Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Article. The ~~Superintendent~~ Public Works Director or his/her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in Subsection (A) above, the ~~Superintendent~~ Public Works Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 705.150.
- C. The ~~Superintendent~~ Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (CC 1965 §§16A-136–16A-138; Ord. No. G-748 §§16A-136–16A-138, 3-13-90)

SECTION 705.200: VIOLATION AND PENALTY

- A. Any person found to be violating any provision of this Article shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. If the violation is considered by a city official to pose a health hazard, correction action may be taken immediately by the city and the cost of correction will be charged to the landowner or person(s) deemed responsible for the violation.
- B. Any person who shall continue any violation beyond the time provided for in Subsection (A), shall be guilty of a misdemeanor, and on conviction thereof shall be ~~finned in the amount not exceeding five hundred dollars (\$500.00) for each violation. Each twenty-four (24) hour period in which such violation shall continue shall be deemed a separate offense.~~ as outlined in Title 1, Article V regarding violations and penalties.
- C. Any person violating any of the provisions of this Article shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation. (CC 1965 §§16A-139–16A-141; Ord. No. G-748 §§16A-139–16A-141, 3-13-90)

ARTICLE II. USER CHARGE SYSTEM

Editor's Note—Ordinance No. G-849 adopted January 2, 1996, enacted new provisions in sections 705.210–705.250 of this article. Former §§705.210–705.250 derived from CC 1965 §§16A-201–16A-213; ordinance no. G-749 §§16A-201–16A-203, 3-13-90; ordinance no. G-756 §§16A-204–16A-207, 16A-209–16A-213, 8-14-90; ordinance no. G-786 §16A-208, 11-19-91; and ordinance no. G-814 §1, 9-8-93. Previous section 705.260 was renumbered §705.250 to keep the numbering sequential.

SECTION 705.210: PURPOSE

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public wastewater treatment works. (Ord. No. G-849 Art. 2 §705.210, 1-2-96)

SECTION 705.220: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used in this Article shall be as follows:

BOD (denoting Biochemical Oxygen Demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Centigrade (20°C), expressed in milligrams per liter (mg/l).

NORMAL DOMESTIC WASTEWATER: Wastewater that has a BOD concentration of not more than two hundred ~~fifty (250)~~ forty (240) mg/l and a suspended solids concentration of not more than two hundred forty (240) mg/l.

RESIDENTIAL CONTRIBUTOR: Any contributor to the City's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

SHALL: Is mandatory; "MAY" is permissive.

SS (denoting Suspended Solids): Solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

TREATMENT WORKS: Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

USEFUL LIFE: The estimated period during which a treatment works will be operated.

USER CHARGE: That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.

WATER METER: A water volume measuring and recording device, furnished and/or installed by the City of Junction City or furnished and/or installed by a user and approved by the City of Junction City. (Ord. No. G-849 Art. II §705.220, 1-2-96)

SECTION 705.230: ACTUAL USE RATE STRUCTURE

- A. Each user shall pay for the services provided by the City based on his/her use of the treatment works as determined by water meter(s) acceptable to the City.
- B. For residential contributors, monthly user charges will be based on average monthly water usage during the months of December and January. If a residential contributor has not established a December and January average, his/her monthly user charge shall be the median charge of all other residential contributors. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for the contributor may be used on a wastewater meter or separate water meter installed and maintained at the contributor's expense and in a manner acceptable to the City.
- C. The minimum charge per month shall be ~~twenty-four dollars (\$24.00)~~ twenty-six dollars (26.00) for the first (1st) two hundred (200) cubic feet of consumption. In addition, each contributor shall pay a user charge rate of ninety cents (\$.90) per one hundred (100) cubic feet of water for all use over two hundred (200) cubic feet as determined in Subsection (B) of this Section. ~~The rates in this Subsection shall become effective August 1, 2003.~~
- D. For those contributors who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance including replacement is:
 1. Sixteen cents (\$.16) per pound of BOD;
 2. Eighteen cents (\$.18) per pound of SS.
- E. For those large contributors who exceed normal domestic wastewater loads as defined in Section 705.220 and use over five hundred thousand (500,000) gallons of water per day discharged into the sewer system, the following surcharge shall apply: Domestic wastewater loads shall be measured at a frequency set at the discretion of the City.

1. ~~Nine and six/tenths cents (\$.096)~~ Ten and four/tenths cents (\$.104) per pound BOD;
 2. ~~Ten and eight/tenths cents (\$.108)~~ Eleven and seven/tenths cents (\$.117) per pound SS.
- F. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each user shall be as determined by the responsible plant operating personnel.
- G. The user charge rates established in this Article apply to all users of the City's treatment works, regardless of their location. (Ord. No. G-849 Art. II §705.230, 1-2-96; Ord. No. G-908 §1, 10-17-00; Ord. No. G-953 §1, 7-29-03)

SECTION 705.240: BILLING

- A. All users shall be billed monthly. Billings for any particular month shall be made within thirty (30) days after the end of that month. Payments are due when the billings are made.
- B. Any payment not received within ~~twenty (20)~~ eighteen (18) calendar days after the billing is made shall be delinquent.
- C. A late payment penalty of five percent (10%) of the user charge bill will be added to each delinquent bill after it becomes delinquent. When any bill is thirty (30) days delinquent, rendition of water and/or sewer service to such premises shall be discontinued until such bill is paid following due notice and opportunity for hearing. (Ord. No. G-849 Art. II §705.240, 1-2-96)

SECTION 705.250: REVIEW

- A. The City will review the user charge system ~~every two (2) years~~ annually and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance, including replacement, and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.
- B. The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation, and maintenance including replacement, of the treatment works. (CC 1965 §§16A-214-16A-215; Ord. No. G-756 §§16A-214-16A-215, 8-14-90)

8f

City of Junction City

City Commission

Agenda Memo

November 24, 2010

From: Cheryl S. Beatty, Finance Director
To: City Commissioners
Subject: Ordinance No. G-1090 – Wastewater Codes

Objective: Adoption of Ordinance G-1090; wastewater utility code updates.

Explanation of Issue: After reviewing city utility code, we saw a need for a comprehensive review and update. Therefore, staff reviewed all the wastewater utility codes and has provided an updated code for consideration to the City Commission.

Budget Impact: There is no budget impact.

Alternatives: It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission may:

1. Approve Ordinance G-1090 on first reading.
2. Disapprove Ordinance G-1090 on first reading.
3. Modify the proposed code changes.
4. Table the request.

Recommendation: Staff recommends approval as presented.

Suggested Motion:

Commissioner _____ moved that
..... be approved on
first reading.

Commissioner _____ seconded the motion.

Enclosures: Ordinance G-1090 and working copy with strike through of code changes.

ORDINANCE NO. G-1090

AN ORDINANCE RELATING TO SEWERS BY AMENDING CHAPTER 705, ENTITLED "SEWERS" OF TITLE VII, ENTITLED "UTILITIES" OF THE CODE OF ORDINANCES OF THE CITY OF JUNCTION CITY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

Section 1. CHAPTER 705: Sewers, of Title VII. Utilities, of the Code of Ordinances of the City of Junction City, Kansas is hereby replaced by the following::

CHAPTER 705: SEWERS

ARTICLE I. PUBLIC AND PRIVATE SEWERS—GENERAL PROVISIONS

SECTION 705.010: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

BOD (Denoting Biochemical Oxygen Demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Centigrade (20°C), expressed in milligrams per liter.

BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

BUILDING SEWER: The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER: A sewer receiving both surface runoff and sewage.

GARBAGE: Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL WASTES: The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

NATURAL OUTLET: Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

PERSON: Any individual, firm, company, association, society, corporation, or group.

pH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.

PUBLIC SEWER: A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

SANITARY SEWER: A sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

SEWAGE: A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

SEWAGE TREATMENT PLANT: Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS: All facilities for collecting, pumping, treating and disposing of sewage.

SEWER: A pipe or conduit for carrying sewage.

SHALL: "Shall" is mandatory; "May" is permissive.

SLUG: Any discharge of water, sewage, or industrial waste which in concentration of any given

constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration, or flows during normal operation.

STORM DRAIN (*Sometimes termed "STORM SEWER"*): A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT: The City Engineer of the City of Junction City, or his/her authorized deputy, agent, or representative, to include the sewage treatment plant contact operator.

SUSPENDED SOLIDS: Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently.

SECTION 705.020: UNLAWFUL TO PLACE GARBAGE ON PUBLIC OR PRIVATE PROPERTY

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Junction City, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

SECTION 705.030: UNLAWFUL TO DISCHARGE SEWAGE TO ANY NATURAL OUTLET

It shall be unlawful to discharge to any natural outlet within the City of Junction City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

SECTION 705.040: PRIVY, SEPTIC TANK, ETC., PROHIBITED

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

SECTION 705.050: BUILDINGS MUST HAVE TOILET FACILITIES

The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his/her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

SECTION 705.060: PRIVATE SEWAGE DISPOSAL

- A. Where a public sanitary or combined sewer is not available under the provisions of Section 705.050, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.
- B. Before commencement of construction of a private sewage disposal system, the owner shall first (1st) obtain a written permit signed by the Public Works Director. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Public Works Director. A permit and inspection fee of one hundred dollars (\$100.00) shall be paid to the City at the time the application is filed.
- C. A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Public Works Director or duly appointed representative. He/she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Public Works Director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Public Works Director.
- D. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health and Environment of the State of Kansas. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than ninety thousand (90,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

- E. At such time as a public sewer becomes reasonably available to a property served by a private sewage disposal system, as provided in Subsection (D) above, a direct connection shall be made to the public sewer within 120 days of availability and in compliance with this Article; and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material as per Plumbing Code, APWA Uniform Standards, and AWWA Manual M14, current edition.
- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
- G. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

SECTION 705.070: PUBLIC SEWERS

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Public Works Director or duly appointed representative.
- B. There shall be two (2) classes of building sewer permits:
 - 1. For residential and commercial service, and
 - 2. For service to establishments producing industrial wastes.In either case, the owner or his/her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City. A permit and inspection fee of five hundred dollars (\$500.00) for a residential building sewer permit, seven hundred fifty dollars (\$750.00) for a commercial building sewer permit and one thousand dollars (\$1,000.00) for an industrial sewer building permit is charged and shall be paid to the City at the time the application is filed. These fees shall apply to new construction connections only.
- C. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City, to meet all requirements of this Section.
- F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code, AWWA standards, or other applicable rules and regulations of the City.
- G. No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any connection of such drains or downspouts are found, they shall be immediately disconnected from the public sanitary sewer system.
- H. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Public Works Director or duly appointed representative before installation.
- I. The applicant for the building sewer permit shall notify the Public Works Director or duly appointed representative when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Public Works Director or his/her representative.
- K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard and follow the latest edition of MUTCD (Manual for Uniform Traffic Control Devices) standards for all work within street right of ways. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored as outlined in AWWA Manual M14, current edition,, as per latest edition of APWA (American Public Works Association) Uniform Standards, and as satisfactory to the City.

SECTION 705.080: DISCHARGE OF STORM WATER, DRAIN WATER, ETC., TO ANY SANITARY SEWER

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

SECTION 705.090: UNPOLLUTED DRAINAGE DISCHARGED TO STORM SEWER

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Public Works Director or duly appointed representative. Industrial cooling water or unpolluted process waters may be discharged on approval of the Public Works Director or a duly appointed representative, to a storm sewer, combined sewer, or natural outlet.

SECTION 705.100: TOXIC WASTES SHALL NOT BE DISCHARGED TO PUBLIC SEWER

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

SECTION 705.110: SUBSTANCES THAT MAY DAMAGE SEWAGE SYSTEM

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Public Works Director or duly appointed representative that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the Public Works Director or duly appointed representative will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F), sixty-five degrees Centigrade (65°C).
2. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32°F) and one hundred fifty degrees Fahrenheit (150°F).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Public Works Director or duly appointed representative.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such

material received in the composite sewage at the sewage treatment works exceeds the limits established by the Public Works Director or duly appointed representative for such materials.

6. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Public Works Director or duly appointed representative as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Public Works Director or duly appointed representative in compliance with applicable State or Federal regulations.
8. Any waters or wastes having a pH in excess of 9.5.
9. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
11. Any waters or wastes having:
 - a. A 5-day BOD greater than three hundred (300) parts per million (1,000,000) by weight; or
 - b. Containing more than three hundred fifty (350) parts per million (1,000,000) by weight of suspended solids; or
 - c. Having an average daily flow greater than two percent (2%) of the average sewage flow of the City, shall be subject to the review of the Public Works Director or duly appointed representative.

Where necessary in the opinion of the Public Works Director, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to:

- a. Reduce the biochemical oxygen demand to three hundred (300) parts per million (1,000,000) by weight; or
- b. Reduce the suspended solids to three hundred fifty (350) parts per million (1,000,000) by weight; or
- c. Control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Public Works Director or duly appointed representative and no construction of such facilities shall be commenced until said approvals are obtained in writing.

SECTION 705.120: PUBLIC WORKS DIRECTOR'S AUTHORITIES

- A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 705.110 of this Article, and which in the judgment of the Public Works Director or duly appointed representative may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Public Works Director or duly appointed representative may:
 1. Reject the wastes;
 2. Require pretreatment to an acceptable condition for discharge to the public sewers;
 3. Require control over the quantities and rates of discharge; and/or
 4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 705.170 of this Article.
- B. If the Public Works Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Public

Works Director or duly appointed representative, and subject to the requirements of all applicable codes, ordinances and laws.

SECTION 705.130: GREASE, OIL, AND SAND INTERCEPTORS—WHEN

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Public Works Director or duly appointed representative they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Public Works Director or duly appointed representative, and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 705.140: PRELIMINARY TREATMENT AT OWNER'S EXPENSE

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

SECTION 705.150: MANHOLE—WHEN REQUIRED

When required by the Public Works Director or duly appointed representative, the owner of any property services by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans and approved by the Public Works Director or duly appointed representative. A manhole shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times.

SECTION 705.160: TESTS TO COMPLY WITH "STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER"

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate, or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

SECTION 705.170: SPECIAL ARRANGEMENT WITH CITY

No statement contained in this Article shall be construed as preventing any special arrangement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern.

SECTION 705.180: DAMAGING SEWAGE WORKS

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works.

SECTION 705.190: AUTHORITY TO ENTER PROPERTY TO INSPECT

- A. The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Article. The Public Works Director or his/her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond

that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

- B. While performing the necessary work on private properties referred to in Subsection (A) above, the Public Works Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 705.150.
- C. The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SECTION 705.200: VIOLATION AND PENALTY

- A. Any person found to be violating any provision of this Article shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. If the violation is considered by a city official to pose a health hazard, correction action may be taken immediately by the city and the cost of correction will be charged to the landowner or person(s) deemed responsible for the violation.
- B. Any person who shall continue any violation beyond the time provided for in Subsection (A), is guilty of a misdemeanor and upon conviction thereof shall be punished as provided by section 200.010 of Article V, Chapter 100, Title I of this Code.

ARTICLE II. USER CHARGE SYSTEM

SECTION 705.210: PURPOSE

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public wastewater treatment works.

SECTION 705.220: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used in this Article shall be as follows:

BOD (denoting Biochemical Oxygen Demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Centigrade (20°C), expressed in milligrams per liter (mg/l).

NORMAL DOMESTIC WASTEWATER: Wastewater that has a BOD concentration of not more than two hundred forty (240) mg/l and a suspended solids concentration of not more than two hundred forty (240) mg/l.

RESIDENTIAL CONTRIBUTOR: Any contributor to the City's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

SHALL: Is mandatory; "MAY" is permissive.

SS (denoting Suspended Solids): Solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

TREATMENT WORKS: Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment

units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

USEFUL LIFE: The estimated period during which a treatment works will be operated.

USER CHARGE: That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.

WATER METER: A water volume measuring and recording device, furnished and/or installed by the City of Junction City or furnished and/or installed by a user and approved by the City of Junction City.

SECTION 705.230: ACTUAL USE RATE STRUCTURE

- A. Each user shall pay for the services provided by the City based on his/her use of the treatment works as determined by water meter(s) acceptable to the City.
- B. For residential contributors, monthly user charges will be based on average monthly water usage during the months of December and January. If a residential contributor has not established a December and January average, his/her monthly user charge shall be the median charge of all other residential contributors. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for the contributor may be used on a wastewater meter or separate water meter installed and maintained at the contributor's expense and in a manner acceptable to the City.
- C. The minimum charge per month shall be twenty-six dollars (26.00) for the first (1st) two hundred (200) cubic feet of consumption. In addition, each contributor shall pay a user charge rate of ninety cents (\$.90) per one hundred (100) cubic feet of water for all use over two hundred (200) cubic feet as determined in Subsection (B) of this Section.
- D. For those contributors who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance including replacement is:
 - 1. Sixteen cents (\$.16) per pound of BOD;
 - 2. Eighteen cents (\$.18) per pound of SS.
- E. For those large contributors who exceed normal domestic wastewater loads as defined in Section 705.220 and use over five hundred thousand (500,000) gallons of water per day discharged into the sewer system, the following surcharge shall apply: Domestic wastewater loads shall be measured at a frequency set at the discretion of the City.
 - 1. Ten and four/tenths cents (\$.104) per pound of BOD;
 - 2. Eleven and seven/tenths cents (\$.117) per pound of SS.
- F. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each user shall be as determined by the responsible plant operating personnel.
- G. The user charge rates established in this Article apply to all users of the City's treatment works, regardless of their location.

SECTION 705.240: BILLING

- A. All users shall be billed monthly. Billings for any particular month shall be made within thirty (30) days after the end of that month. Payments are due when the billings are made.
- B. Any payment not received within eighteen (18) calendar days after the billing is made shall be delinquent.
- C. A late payment penalty of five percent (10%) of the user charge bill will be added to each delinquent bill after it becomes delinquent. When any bill is thirty (30) days delinquent, rendition of water and/or sewer service to such premises shall be discontinued until such bill is paid following due notice and opportunity for hearing.

SECTION 705.250: REVIEW

- A. The City will review the user charge system annually and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance, including replacement, and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.
- B. The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation, and maintenance including replacement, of the treatment works.

Section 3. All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and publication in the official City newspaper, all as provided by law.

PASSED by the Governing Body of the City on _____, 2010 and signed by the Mayor.

(Seal)

Mike Rhodes, Mayor

ATTEST

Tyler Ficken, City Clerk

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City of Junction City

City Commission

Agenda Memo

November 30, 2010

From: David L. Yearout, AICP, Director of Planning and Zoning
To: City Commission & Gerry Vernon, City Manager
Subject: Amendment to the Junction City Municipal Code (G-1087 attached)

Issue: Consideration of ordinance (G-1087) adopting by reference a new Title V, Building and Construction, of the Municipal Code of the City of Junction City by establishing said Title V as a separately prepared document that includes the adoption of the 2006 International Building Codes.

Explanation of Issue: The present Building Codes for the City of Junction City were last modified in 2005 and provided for the adoption of the 2003 version of the International Building Codes, which included the 2003 International Building Code, the 2003 International Plumbing Code, the 2003 International Mechanical Code, the 2003 International Fuel Gas Code, the 2003 International Residential Code, the 2003 International Existing Building Code, the 2002 National Electrical Code, the 1997 Uniform Housing Code, the 1998 NFPA Pamphlet 58 (Liquid Petroleum Gas Code), a Compressed Gas Code consisting of a number of published industry standards, a Mobile Home and Manufactured Home Park Code, and a Recreational Vehicle Park Code. The existing Title V also provides the listing of specific amendments that were made to each of those codes; the licensing requirements for tradesmen in the various industries; the fee structures for all permits; as well as other language dealing with a number of ancillary activities associated with building and construction requirements in the City of Junction City. All this was completed with an 85 page ordinance published in 2005.

Ordinance 1087 updates all these codes, as well as provides new language for many other relevant areas associated with building and construction, by adopting the 2006 version of the International Building Code family. Staff has reviewed the changes with the Board of Building Contractors and has also modified language to reflect current statutory requirements for licensing and other relevant changes in state law affecting this subject. Overall, these changes bring Junction City current with most other communities in the area with respect to construction standards and practices. Additionally, this family of building codes is being presented to the Geary County Board of Commissioners for adoption in the rural areas so the joint Code Enforcement operations are working on consistent rules and regulations.

The ordinance provides for the adoption by reference of the newly published Title V, which includes the adoption by reference of the various codes, rules, regulations, standards and requirements for the issuance of building permits and the administration thereof.

Alternatives:

1. Approve the first reading of the Ordinance.
2. Modify and approve the first reading of the Ordinance as so modified.
3. Disapprove the Ordinance.

Staff Recommendation: Approve the first reading of the Ordinance.

Suggested Motion:

Commissioner _____ moved that the Ordinance No. G-1087, an ordinance adopting by reference Title V, Building and Construction, of the Municipal Code of the City of Junction City be approved.

Commissioner _____ seconded the motion.

Enclosures:

Ordinance G-1087

ORDINANCE NO. 1087

AN ORDINANCE REGULATING BUILDING AND CONSTRUCTION AND RELATED ACTIVITIES WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS; INCORPORATING BY REFERENCE "THE DECEMBER 7, 2010, EDITION OF TITLE V – BUILDING AND CONSTRUCTION – OF THE CODE OF THE CITY OF JUNCTION CITY, KANSAS"; AMENDING EXISTING ARTICLES AND SECTIONS IN CHAPTER V AND ENACTING NEW ARTICLES.

WHEREAS, the governing body of the City of Junction City, Kansas, finds it is necessary to update the adopted codes regulating building and construction within the corporate limits of the City of Junction City, Kansas; and,

WHEREAS, after review of the building codes by the staff and the Board of Building Contractors, it is determined to be advisable to adopt the 2006 version of said building codes; and,

WHEREAS, pursuant to K.S.A. 12-3009, the City of Junction City, Kansas, is authorized to incorporate a standard or model code or ordinance in booklet or pamphlet form by reference, which provisions shall be as much part of the ordinance as if the same had been set out in full in this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS, that:

SECTION 1. Title V, Building and Construction, of the Code of Ordinances of the City of Junction City, Kansas, is hereby repealed in its entirety and shall be replaced with the following:

**TITLE V – BUILDING AND CONSTRUCTION, CHAPTER 500 – GENERAL PROVISIONS,
ARTICLE 1 – MODEL OR STANDARD CODES**

There is hereby incorporated by reference as if fully set forth herein for the purpose of regulating building and construction and related activities within the corporate limits of the City of Junction City, Kansas, the "November 16, 2010, Edition of Title V, Building and Construction, of the Code of the City of Junction City, Kansas," prepared and published in pamphlet form by the City of Junction City, Kansas. At least one copy of the "December 7, 2010, Edition of Title V, Building and Construction, of the Code of the City of Junction City, Kansas," shall be marked or stamped "Official Copy as Adopted by Ordinance No. G-1087", with all sections or portions thereof intended to be omitted or changed clearly marked to show an omission or change, and to which shall be attached a copy of the incorporating ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

SECTION 2. This Ordinance shall be included in the Code of the City of Junction City, Kansas, and shall be in full force and effect from and after its publication once in the official city newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY of the City of Junction City, Kansas, this ___ day of December, 2010.

Mike Rhodes, Mayor

ATTEST:

Tyler Ficken, City Clerk

Sh

City of Junction City

City Commission

Agenda Memo

December 1, 2010

From: David L. Yearout, AICP, Director of Planning and Zoning and Mike Steinfert, Fire Chief
To: City Commission & Gerry Vernon, City Manager
Subject: Amendment to the Junction City Municipal Code (G-1092 attached)

Issue: Consideration of ordinance (**G-1092**) amending Title II of the City Code concerning the adoption by reference of the 2006 International Fire Code and the NFPA 101 Fire Prevention Code.

Explanation of Issue: The present Fire Code and Fire Prevention Code for the City of Junction City were last adopted in 1998 and provided for the adoption of the 1997 version of the Uniform Fire Code, and in 1991 for the Fire Prevention Code, which was the 1992 Edition of the NFPA 1 Fire Prevention Code from the National Fire Protection Association.

Ordinance 1092 updates these codes by adopting the 2006 version of the International Fire Code and the current version of NFPA 101, which is the Fire Prevention Code. Staff has reviewed these codes and believes these changes are in the best interests of the City of Junction City.

Alternatives:

1. Approve the first reading of the Ordinance.
2. Modify and approve the first reading of the Ordinance as so modified.
3. Disapprove the Ordinance.

Staff Recommendation: Approve the first reading of the Ordinance.

Suggested Motion:

Commissioner _____ moved that the Ordinance No. G-1092, an ordinance adopting by reference the 2006 International Fire Code and the current version of NFPA 101, the Fire Prevention Code of the City of Junction City be approved.

Commissioner _____ seconded the motion.

Enclosures:

Ordinance G-1092

ORDINANCE NO. 1092

AN ORDINANCE AMENDING TITLE II, PUBLIC HEALTH, SAFETY AND WELFARE, CHAPTER 210, FIRE PREVENTION OF THE CODE OF THE CITY OF JUNCTION CITY, KANSAS, AMENDING EXISTING SECTIONS IN CHAPTER II.

WHEREAS, the governing body of the City of Junction City, Kansas, finds it is necessary to update the adopted fire codes within the corporate limits of the City of Junction City, Kansas; and,

WHEREAS, after review of the fire codes by the Fire Chief, it is determined to be advisable to adopt the 2006 version of said fire code; and,

WHEREAS, pursuant to K.S.A. 12-3009, the City of Junction City, Kansas, is authorized to incorporate a standard or model code or ordinance in booklet or pamphlet form by reference, which provisions shall be as much part of the ordinance as if the same had been set out in full in this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS, that:

SECTION 1. ARTICLE II. UNIFORM FIRE CODE, Section 210.060, ADOPTION OF UNIFORM FIRE CODE, is hereby amended by repealing the existing language and replacing it with the following:

SECTION 210.060: ADOPTION OF THE INTERNATIONAL FIRE CODE

There is hereby adopted by reference by the Governing Body of the City of Junction City, Kansas, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Code known as the International Fire Code, edition of 2006, prepared and published in a book form by the International Code Council including Appendix Chapters B, C, D, E, F and G, save and except such portions as are hereinafter deleted, modified or amended by this article. The same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Junction City, Kansas, subject to the provisions of Section 210.120 hereof. Not less than one (1) copy of such publication shall be located at the Junction City Fire Department, Headquarters, 700 N Jefferson Street,

SECTION 2. Section 210.070, ADDITIONS AND DELETIONS TO THE 1997 UNIFORM FIRE CODE, is hereby amended by repealing the existing language and replacing it with the following:

SECTION 210.070: ADDITIONS AND DELETIONS TO THE INTERNATIONAL FIRE CODE

- A. *Additions.* The Fire Chief, or his/her authorized representative charged with the enforcement of this Code, acting in good faith and without malice in the discharge of his/her duties, shall not thereby render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of his/her duties. Any suit brought against the Fire Chief or employee because of such act or omission performed by him/her in the enforcement of any provision of such Codes or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the Code Enforcement Agency shall be defended by this jurisdiction. This Code shall be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to person or property caused by defects, nor shall the Code Enforcement Agency or its parent jurisdiction be held as assuming any such liability by reason of the inspection authorized by this Code.

- B. The International Fire Code, adopted by Section 210.060, is hereby changed, altered, modified and otherwise amended as follows:

- (1) *Section 101.1* of the International Fire Code shall read as follows:

Section 101.1 Title. These regulations shall be known as the Fire Code of the City of Junction City, hereinafter referred to as "this code".

- (2) *Section 108* of the International Fire Code is hereby deleted.

- (3) *Section 109.3* of the International Fire Code is hereby deleted.

- (4) *Section 111.4* of the International Fire Code is hereby changed to read as follows:

Section 111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to the penalties outlined in Section 210.080 of the Municipal Code.

- (5) *Section 307.4, exceptions 1 and 2,* of the International Fire Code are hereby deleted.

- (6) *Section 308.3.1* of the International Fire Code is hereby deleted.

- (7) *Section 308.3.1.1* of the International Fire Code is hereby deleted.

- (8) *Section 408.3* of the International Fire Code is hereby changed to read as follows:

Section 408.3 Group E Occupancies. Group E occupancies shall comply with the requirements of Sections 408.3.1 through 408.3.4, Sections 401 through 406 and Kansas State Fire Marshal Regulation 22-18-2.

- (9) *Section 508.2.1* of the International Fire Code is hereby changed to read as follows:

Section 508.2.1 Fire Service Mains. Fire Service mains and appurtenances shall be installed in accordance with NFPA 24 and the City's Standard Construction Specifications. All mains and fire hydrants shall be installed in a dedicated public utility easement, on file with the county register of deeds, and become the property of the City upon satisfactory installation. The City public works department shall be notified of construction activities to insure the opportunity for formal inspections by the City.

- (10) *Section 904.11.6.5* of the International Fire Code is hereby changed to read as follows:

Section 904.11.6.5 Fusible link and sprinkler head replacement. Fusible links and automatic sprinkler heads shall be replaced at least annually, and other protection devices shall be serviced and replaced in accordance with the manufacturer's instructions. Replaced links and heads shall be left on site with the required service tag for verification by the fire code official.

Exception: Frangible bulbs are not required to be replaced annually.

- (11) *Section 906.1 Exception* of the International Fire Code is hereby deleted.

- (12) *Section 1008.1.8.3* of the International Fire Code is hereby changed to read as follows:

Section 1008.1.8.3 Locks and latches. Locks and latches shall be permitted to prevent the operation of doors where any of the following exists:

Exceptions:

1. Places of detention or restraint.
2. In buildings in occupancy Group A having an occupant load of 300 or less, Group B, F, M and S, and in places of religious worship, the main exterior door or doors is permitted to be equipped with thumb turn operated locking devices from the egress side provided a readily visible durable sign is posted on the egress side on or adjacent to the door stating: This door to remain unlocked when building is occupied. This sign shall be in letters one inch high on a contrasting background.
3. Where egress doors are used in pairs, approved automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no doorknob or surface mounted hardware. The unlatching of any leaf shall not require more than one operation.
4. Doors from individual dwelling units or sleeping units of Group R occupancies having an occupant load of 10 or less are permitted to be equipped with a night latch, dead bolt or security chain, provided such devices are openable from the inside without the use of a key or tool.
5. The use of the key-operated or thumb turn locking device is revocable by the fire code official for due cause.

- (13) *Section 1013.3* of the International Fire Code is hereby changed to read as follows:

Section 1013.3 Opening limitations. Open guards shall have intermediate rails or an ornamental pattern such that a sphere 4 ½ (102 mm) in diameter cannot pass through.

Exceptions:

1. The open space between the intermediate rails or ornamental pattern of guardrails in areas of commercial and industrial-type occupancies which are not accessible to the public may be such that a sphere 12 inches (305 mm) in diameter cannot pass through.
2. The triangular openings formed by the riser, tread and bottom element of a guardrail at the open side of a stairway may be of such size that a sphere 6 inches (152 mm) in diameter cannot pass through.
3. At elevated walking surfaces for access to and use of electrical, mechanical and plumbing systems or equipment, guards shall have balusters or be of solid materials such that a sphere with a diameter of 21 inches cannot pass through any opening.

- (14) *Section 2404.12* of the International Fire Code is hereby changed to read as follows:

Section 2404.12 Portable Fire Extinguishers. Minimum fire extinguisher coverage shall be provided in every tent and temporary membrane structure as required by Section 906 and as follows:

- a. 200 to 499 square feet of floor area: One 2A.10BC.
- b. 500 to 1,000 square feet of floor area: Two 2A.10BC.
- c. Each additional 1,000 square feet of floor area or fraction thereof above the first 1,000 square feet: One 2A.10BC.

- (15) *Section 3404.2.7.10* of the International Fire Code is hereby changed to read as follows:

Section 3404.2.7.10 Leak reporting. A consistent or accidental loss of liquid, or other indication of a leak from a tank system, shall be reported immediately to the fire department, the fire code official and other authorities having jurisdiction.

Leaking tanks shall be promptly emptied, repaired and returned to service or removed in accordance with Section 3404.2.13 or 3402.2.14.

- (16) *Section 3404.2.13.1.3* of the International Fire Code is hereby changed to read as follows:

Section 3404.2.13.1.3 Out of service for one year. Underground tanks that have been out of service for a period of one year shall be removed from the ground in accordance with Section 3404.2.14 or tested by an approved method to show that the tank does not leak.

- (17) *Section 3404.2.13.1.4* of the International Fire Code is hereby deleted.

- C. *Appeals.* The Board of Code Appeals established in Title V of the Municipal Code of the City of Junction City shall have full jurisdiction to hear and decide all appeals from any matter arising from the administration of this Code. All hearings and procedures for hearings established for the Board of Code Appeals shall apply to the consideration of appeals from this Code.

SECTION 3. Section 210.090, SAVING CLAUSE, is hereby amended by repealing the existing language and replacing it with the following:

SECTION 210.090: SAVING CLAUSE

If any Section, Subsection, paragraph, sentence, clause, or phrase of the International Fire Code should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Code which shall remain in full force and effect; and to this end, the provisions of this Code are hereby declared to be severable.

SECTION 4. Section 210.100, DEFINITIONS, is hereby amended by repealing the existing language and replacing it with the following:

SECTION 210.100: DEFINITIONS

Wherever the word "*jurisdiction*" is used in the International Fire Code, it is the City of Junction City, Kansas.

SECTION 5. Section 210.110, **CONFLICT OF ORDINANCES**, is hereby amended by repealing the existing language and replacing it with the following:

SECTION 210.110: CONFLICT OF ORDINANCES

In any case where a provision of the International Fire Code is found to be in conflict with another provision of this Code or with any provision of any fire and safety ordinance of this City or any State law or regulation or Federal regulations or law in existence on the effective date of this Section, whichever provisions shall establish the higher standard shall then prevail.

SECTION 6. **ARTICLE III, FIRE PREVENTION CODE**, Section 210.130, **NFPA 1 FIRE PREVENTION CODE – ADOPTED**, is hereby amended by repealing the existing language and replacing it with the following:

SECTION 210.130: NFPA 101 FIRE PREVENTION CODE—ADOPTED

This Code shall be known as the Fire Prevention Code of the City of Junction City, Kansas. This Code adopts NFPA 101, Fire Prevention Code, of the National Fire Protection Association, and its incorporated standards and codes as published in the National Fire Codes of the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, and listed in Annex A of the NFPA Fire Prevention Code and being particularly the current edition thereof, save and except those portions such as are hereinafter deleted, modified, or amended by this Article. The same are hereby adopted and incorporated as fully as if set out at length herein. Not less than one (1) copy of the adopted issue of NFPA 101, Fire Prevention Code, of the National Fire Protection Association, and the adopted standards and codes of the National Fire Codes shall be filed in the office of the Fire Chief and the provisions thereof shall be controlling within the limits of the City of Junction City, Kansas.

PASSED AND ADOPTED BY THE GOVERNING BODY of the City of Junction City, Kansas, this 21st day of December, 2010.

Mike Rhodes, Mayor

ATTEST:

Tyler Ficken, City Clerk

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City of Junction City

City Commission

Agenda Memo

November 30, 2010

From: David L. Yearout, AICP, Director of Planning and Zoning

To: City Commission & Gerry Vernon, City Manager

Subject: Case No. Z-11-01-10 – Rezoning of property at northwest corner of McFarland Road and Caroline Avenue from “CSR” Service Commercial Restricted to “PDD” Planned Development (Duplex) –Ernie Baszak (S-3089)

Issue: Consideration of request of Kaw Valley Engineering, agent, on behalf of Ernest Baszak, owner, for rezoning of Lot 24, a replat of Michael's Run, located at the northwest corner of McFarland Road and Caroline Avenue, from “CSR” Service Commercial Restricted to “PDD” Planned Development District to allow redevelopment of the property into a duplex residential neighborhood.

Explanation of Issue: The Metropolitan Planning Commission held a public hearing on November 18, 2010, to consider the petition of Kaw Valley Engineering, agent, on behalf of Ernest Baszak, owner, for rezoning of Lot 24, a replat of Michael's Run, located at the northwest corner of McFarland Road and Caroline Avenue, from “CSR” Service Commercial Restricted to “PDD” Planned Development District. The purpose of the rezoning is to allow the redevelopment of the single platted commercial lot into a total of eight (8) lots for duplex development. By unanimous vote, the MPC has recommended the rezoning be granted.

Alternatives: In accordance with K.S.A. 12-757, the City Commission has the following alternatives for a rezoning application on first appearance:

1. To accept the recommendation of the MPC and approve the Ordinance, thereby rezoning the property.
2. Modify the recommendation of the Planning Commission by a 2/3 majority vote and approve the Ordinance as so modified, thereby rezoning the property subject to said changes.
3. Return the recommendation to the Planning Commission for further consideration, specifying the items, concerns or issues with said recommendation.
4. Disapprove the recommendation of the Planning Commission by a 2/3 majority vote and not rezone the property.

Staff Recommendation: Accept the recommendation of the MPC and approve the Ordinance, thereby rezoning the property.

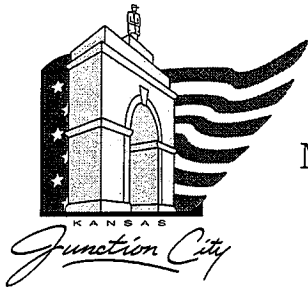
Suggested Motion:

Commissioner _____ moved that the recommendation of the Planning Commission be accepted and that Ordinance No. S-3089, an ordinance rezoning property at described as Lot 24, a replat of Michael's Run Addition to Junction City, Geary County, Kansas, from “CSR” Service Commercial Restricted to “PDD” Planned Development District for duplex development be approved on first reading.

Commissioner _____ seconded the motion.

Enclosures:

MPC Minutes of November 18, 2010
Staff Report
Ordinance S-3089



**JUNCTION CITY/GEARY COUNTY
METROPOLITAN PLANNING COMMISSION
BOARD OF ZONING APPEALS**



STAFF REPORT

November 16, 2010

TO: Metropolitan Planning Commission / Board of Zoning Appeals

FM: David L. Yearout, AICP, Director of Planning and Zoning

SUBJECT: Z-11-01-10 – Request of Kaw Valley Engineering, agent, on behalf of Ernest Baszak, owner, for rezoning of Lot 24, a replat of Michael's Run, located at the northwest corner of McFarland Road and Caroline Avenue, from "CSR" Service Commercial Restricted to "PDD" Planned Development District to allow redevelopment of the property into a duplex residential neighborhood.

This is the request of Kaw Valley Engineering, agent, on behalf of Ernest Baszak, owner, for rezoning of Lot 24, a replat of Michael's Run, from "CSR" Service Commercial Restricted to "PDD" Planned Development District to allow redevelopment of the property into a duplex residential neighborhood. The property is located at the northwest corner of McFarland Road and Caroline Avenue.

Staff met with the applicant to discuss the manner in which this property might be redesigned from the manner in which it currently sits. As noted above, the property is currently zoned "CSR" Service Commercial Restricted and was included in the replat of Michael's Run in 2007. The original intention appears to have been to establish a small commercial center surrounding the Michael Court cul-de-sac off Caroline Avenue. The south property line of this lot adjoins the right-of-way for McFarland Road.

The new plan calls for the creation of eight (8) lots that will ultimately be developed with duplexes, creating a total of sixteen (16) additional dwelling units. The applicant has indicated this may be targeted more toward seniors, although nothing specific to restrict the property to that use has been submitted as of the date of this staff report.

Just as with the PDD rezoning on the former Good Samaritan Center property, it is staff's intention to "combine" several steps in the process for a Planned Development District by considering this a "preliminary" and a "final" development plan. Especially since this is a new design for an undeveloped property that has all infrastructure in place, this is the most expeditious and simple approach to deal with the desires of the applicant.

Saying that, there are still standards and submittal requirements outlined within the Zoning Regulations that must be met and staff desires to see those standards addressed in the

documentation provided for this project. In particular, the standards and submittal requirements are identified in Section 435.030 and Section 435.040 of the Zoning Regulations. Those standards and the staff comments to each are as follows.

DESIGN STANDARDS FOR PLANNED DEVELOPMENT DISTRICTS

SECTION 435.030: STANDARDS AND CRITERIA FOR PLANNED DEVELOPMENTS

A. *Standards For All Planned Developments.* A development plan shall not be inconsistent with the following general standards for use of land, and the use, type, bulk, design and location of buildings, the density or intensity of use, the common open space, the public facilities and the development by geographic division of the site:

1. The planned development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.

There has been no information submitted that identifies a time period for this project to be developed. Staff is aware from discussions with the applicant that it will begin as soon after approval as possible. But there has been no indication of a projected completion date.

2. The planned development will not substantially injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the land use plan.

All other lots within Michael's Run is platted and zoned for single-family development. A number of homes have already been constructed and the applicant is pursuing the sale and/or development of the remainder of the lots. Staff does not believe the change in use of this property from commercial to the proposed residential will harm the other development.

3. The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development. Traffic control signals will be provided without expense to the City when the City Governing Body determines that such signals are required to prevent traffic hazards or congestion in adjacent streets.

The existing streets are felt adequate to accommodate the traffic loads anticipated to be generated by the potential uses without modification, either by improvements or installation of other traffic control devices.

4. The development will not impose an undue burden on public services and facilities, such as fire and police protection.

It is felt the proposed uses will impose no burden on these public services.

5. The entire tract or parcel of land to be occupied by the planned development shall be held in a single ownership, or if there are two (2) or more owners, the application for such planned development shall be filed jointly by all such owners.

This property is under single ownership at this time. The plan is to sell the units once they are completed, which will require a replatting of the property. Staff recommends the replat be to eight (8) lots with the understanding that the duplexes will be split with a party wall between units if they sell separately. This is the process that best assures legal descriptions are accurate to the structures built.

6. The development plan shall contain such proposed covenants, easements and other provisions relating to the bulk, location and density of residential buildings, non-residential uses and structures, and public facilities as are necessary for the welfare of the planned development and are not inconsistent with the best interests of the area. Such covenants, easements and other provisions, if part of the development plan as finally approved, may be modified, removed or released only with the consent of the City Governing Body after a public hearing before, and recommendations by, the Planning Commission as provided in Section 435.040 B(1) of this Chapter. All such covenants shall specifically provide for enforcement by the City in addition to the landowners within the development.

There have been no restrictive covenants submitted with this application to date. Discussions with the applicant and with Kaw Valley indicate discussions are underway regarding whether the existing covenants for Michael's Run will apply or whether modifications to those covenants must be made. This issue needs to be resolved before final action by the City Commission. There are no common open spaces proposed, so this is not the concern it would be if that were proposed.

7. The Planning Commission may designate divisible geographic sections of the entire parcel to be developed as a unit, and shall, in such case, specify reasonable periods within which development of each such unit must be commenced. In the case of residential planned developments and general planned developments which contain residential buildings, the Planning Commission may permit in each unit deviations from the number of units per acre established for the entire planned development, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire planned development is not affected. The period of time established for the completion of the entire development and the commencement date for each section thereof may be modified from time to time by the Planning Commission upon the showing of good cause by the Developer, provided that in no case shall any extension of time exceed twelve (12) months. The developer

shall provide and record easements, covenants, shall make such other arrangements, and shall furnish such performance bond, escrow deposit, or other financial guarantees as may be determined by the Planning Commission to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.

As previously noted, the intent is to ultimately sell the units, which will require a replat of this lot. Staff accepts this to occur once the rezoning process is completed.

8. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned development not used for structures, parking and loading areas, or access ways, shall be landscaped or otherwise improved.

The Development Plan identifies plant materials to be used for the landscaping and provides a written statement concerning the general location of where such landscaping will occur. Other amenities such as walks and lighting are not indicated and the Development Plan needs to be modified to show those amenities.

9. When business or manufacturing structures or uses in a planned development district abut a residential district or residential buildings in the same development, screening shall be provided. In no event shall a business or manufacturing structure in a planned development district be located nearer than one hundred (100) feet to a residential building.

N/A

10. Notwithstanding any of the other provisions of this Chapter, when a shopping center is developed as a planned development district, such shopping center shall have five (5) off-street parking spaces for each one thousand (1,000) square feet of floor area in the structures located in the planned shopping center development. Such off-street parking facilities shall comply with the provisions of Chapter 420 of this Title.

N/A

11. The specifications for the width and surfacing of streets and highways, alleys, ways for public utilities, for curbs, gutters, sidewalks, street lights, public parks and playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment established in (Subdivision Regulations) Chapter 455 of the City as amended from time to time, may, within the limits hereinafter specified, be waived or modified by the Planning Commission where the Commission finds that such specifications are

not required in the interests of the residents or occupants of the planned development and that the waiver or modification of such specifications would not be inconsistent with the interest of the entire City Planning Area. The City should set out:

- a. Any customary public service specifications and platting design controls which it will not modify or waive under any circumstances; and

The only modifications addressed within the Development Plan are the installation of drainage structures on a private drainage easement and the installation of two retaining walls, one on the west side of the lot and one on the south side of the lot.

- b. In cases where it is willing to modify any specifications, the limits of such modifications. An example of the former might relate to sewer and water standards. Examples of the latter might be a total waiver of a requirement for sidewalks or a specified reduction in street widths.

The minutes need to reflect the limits of the modifications of the setbacks being established, based on the documentation provided by Kaw Valley Engineering.

12. Any modifications of the zoning or other regulations that would otherwise be applicable to the site are warranted by the design to the development plan, and the amenities incorporated in it, and are not inconsistent with the interest of the public generally.

There appear to be no changes to the use of this property for duplex development than what would be required under a simple rezoning to the RD Zone. Therefore, this is not a concern.

B. *Standards for Residential Planned Developments and General Planned Developments Containing Residential Buildings.*

1. Any development plan that does not propose to increase the number of dwelling units per acre that would otherwise be permitted on the property under the zoning regulations otherwise applicable thereto shall be prima facie qualified for preliminary approval insofar as residential density is concerned. A development plan may provide for a greater number of dwelling units per acre than would be permitted by the zoning regulations otherwise applicable to the site, but if the number of dwelling units per acre exceeds by more than ten percent (10%) that permitted by the zoning regulations otherwise applicable to the site, the developer has the burden to show that such excess will not have an undue and adverse impact on existing public facilities and on the reasonable enjoyment of neighboring property. The Planning Commission in determining the reasonableness of a proposed increase in the number of dwelling units per acre,

shall recognize that increased density may be compensated for by additional private amenities and by increased efficiency in public services to be achieved by:

- a. The amount, location and proposed use of common open space, and
- b. The location, design and type of dwelling units.

The Planning Commission shall, in its determination, also consider that the physical characteristics of the site may make increased densities appropriate in the particular location.

The proposed development conforms to all density limitations, so this section does not require any special action.

2. When common open space is provided in a development plan, the amount and location of such common open space shall be consistent with the declared function of the common open space as set forth in the application for a planned development district. The development plan shall include such provision for the ownership and maintenance of the common open space as are reasonably necessary to ensure its continuity, care, conservation and maintenance, and to ensure that remedial measures will be available to the City if the common open space is permitted to deteriorate or is not maintained in a condition consistent with the best interest of the planned development or of the entire City Planning Area.

As noted earlier, there are no common open spaces proposed.

3. When a planned development includes common open space, such common open space shall never be used for the construction of any structure nor shall such open space ever be computed as a part of the required minimum lot area, or any required yard, of any other structure. Adequate safeguards, including recorded covenants, shall be provided to prevent the subsequent development of, and the future construction of structures on, such open space.

N/A

4. The total ground area occupied by buildings and structures shall not exceed thirty-five percent (35%) of the total ground area of the planned development unless previous development in the neighborhood has a greater lot coverage, in which case the development plan may increase the lot coverage of buildings and structures to correspond with the bulk of the other structures in the neighborhood.

The Development Plan does not provide a calculation of the total lot coverage, but dimensions shown on the plan show the proposal does not exceed 35%.

5. Non-residential uses of a religious, educational or recreational nature shall be designed or intended primarily for the use of the residents of the planned development.

There are no non-residential uses proposed.

6. Non-residential uses of a business character shall be designed or intended to serve principally the residents of the planned development. No structure designed or intended to be used, in part or in whole, for business purposes shall be constructed prior to the construction of not less than thirty percent (30%) of the dwelling units proposed in the development plan.

N/A.

7. Planned developments shall have yard setbacks which reflect the following considerations:
 - a. The character and intensity of adjacent development.
 - b. The size of yard setbacks provided by adjacent development.
 - c. The height and character of proposed structures within the planned development and the nature and intensity of their proposed use.
 - d. The desired character and density of the surrounding neighborhood.

The setbacks on the Development Plan are not labeled, but the platted front yard setback honors the platted 25-foot building setback. A table shows the setbacks from the Zoning Regulations, which is not really necessary. The Development Plan should provide an indication of the proposed setbacks, especially for the rear yards and the "side yards" as will ultimately be shown on the replat.

SECTION 435.040: PROCEDURE FOR SECURING APPROVAL OF A PLANNED DEVELOPMENT AND THE ESTABLISHMENT OF A PLANNED DEVELOPMENT DISTRICT

A. Preliminary Development Plan.

1. A developer seeking the establishment of a planned development district shall prepare and submit to the Planning Commission a preliminary development plan for such planned development district.

The submitted Development Plan serves as both the preliminary development plan and the final development plan. The final document will be prepared based on any modifications made during this approval process.

2. The preliminary development plan shall contain the following documents and information:

- a. A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features.

Done.

- b. A site plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress, including access streets where required, the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites, and recreational facilities.

Done.

- c. A preliminary plat of subdivision for which concurrent approval has been applied for pursuant to the applicable ordinance, rules and regulations relating to subdivision approval. (See Chapter 455).

This is going directly to a final plat for the replat of the property.

- d. A statement of the anticipated residential density (when applicable), the proposed total gross floor area, and the percentage of the development which is to be occupied by structures.

The Development Plan should be modified to show this information. Staff believes the design conforms to the limitations of the Zoning Regulations.

- e. Preliminary sketches of the proposed structures and landscaping; except that this requirement shall not apply to detached, single-family residences.

The applicant has shown staff renderings of the type of duplex intended for construction, but there were no copies included in the submittals. If these are not presented at the MPC public hearing, the copies should be placed on record before this moves forward.

- f. When a planned development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. No such stage or unit shall have a residential density that exceeds by more than twenty percent (20%) the proposed residential density of the entire planned development. The above requirement may be waived upon

sufficient assurances that the residential density will not be exceeded for the entire development upon completion of the planned development district.

When a planned development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire planned development as the stages or units completed or under development bear to the entire planned development.

As previously noted, no indication of the "timing" of development has been provided. As such, staff does not know whether a "schedule for the development" is necessary or not. There are no common open spaces, so that is not an issue.

- g. Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.

This is done by the common ownership of the entire tract by the applicant.

- h. When it deems it to be necessary, the Planning Commission may require a traffic survey setting out and analyzing the effect that the planned development will have upon traffic in the streets and thoroughfares adjacent to and in the vicinity of the proposed development.

Staff does not believe this is necessary.

- i. A statement showing the relationship of the planned development to the comprehensive plan and future land use map for the City.

There is no statement on the face of the Development Plan that this is consistent with the Comprehensive Plan of 2007. Staff believes the proposed development conforms to the Plan and the Development Plan should note that.

- j. In the case of general planned developments, a statement identifying the principal types of business and/or industrial uses that are to be included in the proposed development.

This has been done by showing each structure to be a duplex.

- k. When a planned development includes provisions for common open space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.

N/A.

- l. Copies of any restrictive covenants that are to be recorded with respect to property included in the planned development district.

As previously stated, we have received nothing as of the date of this staff report.

Staff Recommendation: Staff recommends the request of Kaw Valley Engineering, agent, on behalf of Ernest Baszak, owner, for rezoning of Lot 24, a replat of Michael's Run, located at the northwest corner of McFarland Road and Caroline Avenue, from "CSR" Service Commercial Restricted to "PDD" Planned Development District to allow redevelopment of the property into a duplex residential neighborhood be recommended for approval subject to modifications to the Development Plan addressing the items noted above, including the preparation of Restrictive Covenants to be recorded against the property complying with the requirements of the Zoning Regulations.

Suggested Motion:

I move that Case No. Z-11-01-10, concerning the request of Kaw Valley Engineering, agent, on behalf of Ernest Baszak, owner, for rezoning of Lot 24, a replat of Michael's Run, located at the northwest corner of McFarland Road and Caroline Avenue, from "CSR" Service Commercial Restricted to "PDD" Planned Development District to allow redevelopment of the property into a duplex residential neighborhood, as modified at this meeting, be recommended for approval by the City Commission based on the reasoning stated in the staff report and as presented at this public hearing.

ORDINANCE NO. S-3089

AN ORDINANCE RELATING TO PROPERTY DESCRIBED AS LOT TWENTY FOUR (24), A REPLAT OF MICHAEL'S RUN ADDITION TO JUNCTION CITY, KANSAS, REZONING SAID PROPERTY FROM SERVICE COMMERCIAL RESTRICTED (CSR) TO PLANNED DEVELOPMENT DISTRICT (PDD), ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS.

WHEREAS, application has been made by the owner, through the contract buyer, to rezone certain property within the City of Junction City, Kansas; and,

WHEREAS, proper notice has been given by publication of legal notice and by mailed notice to surrounding property owner in conformance with K.S.A. 12-757; and,

WHEREAS, the Junction City/Geary County Metropolitan Planning Commission held a public hearing on the application and, by a majority vote of members present, recommended the property in question be rezoned;

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

Section 1. That the property, situated at the northwest corner of McFarland Road and Caroline Avenue within the City of Junction City, Geary County, Kansas, and described as follows:

DESCRIPTION:

LOT TWENTY FOUR (24), A REPLAT OF MICHAEL'S RUN ADDITION TO JUNCTION CITY, KANSAS.

be, and the same is, hereby ordered rezoned from its present classification of Service Commercial Restricted (CSR) to Planned Development District (PDD) for duplex development as provided in K.S.A. 12-757.

Section 2. The Zoning Administrator of the City of Junction City, Kansas is hereby ordered and directed to cause said designation to be made on the Official Zoning Map of said City in his custody and to show the property herein described to be zoned as Planned Development District (PDD).

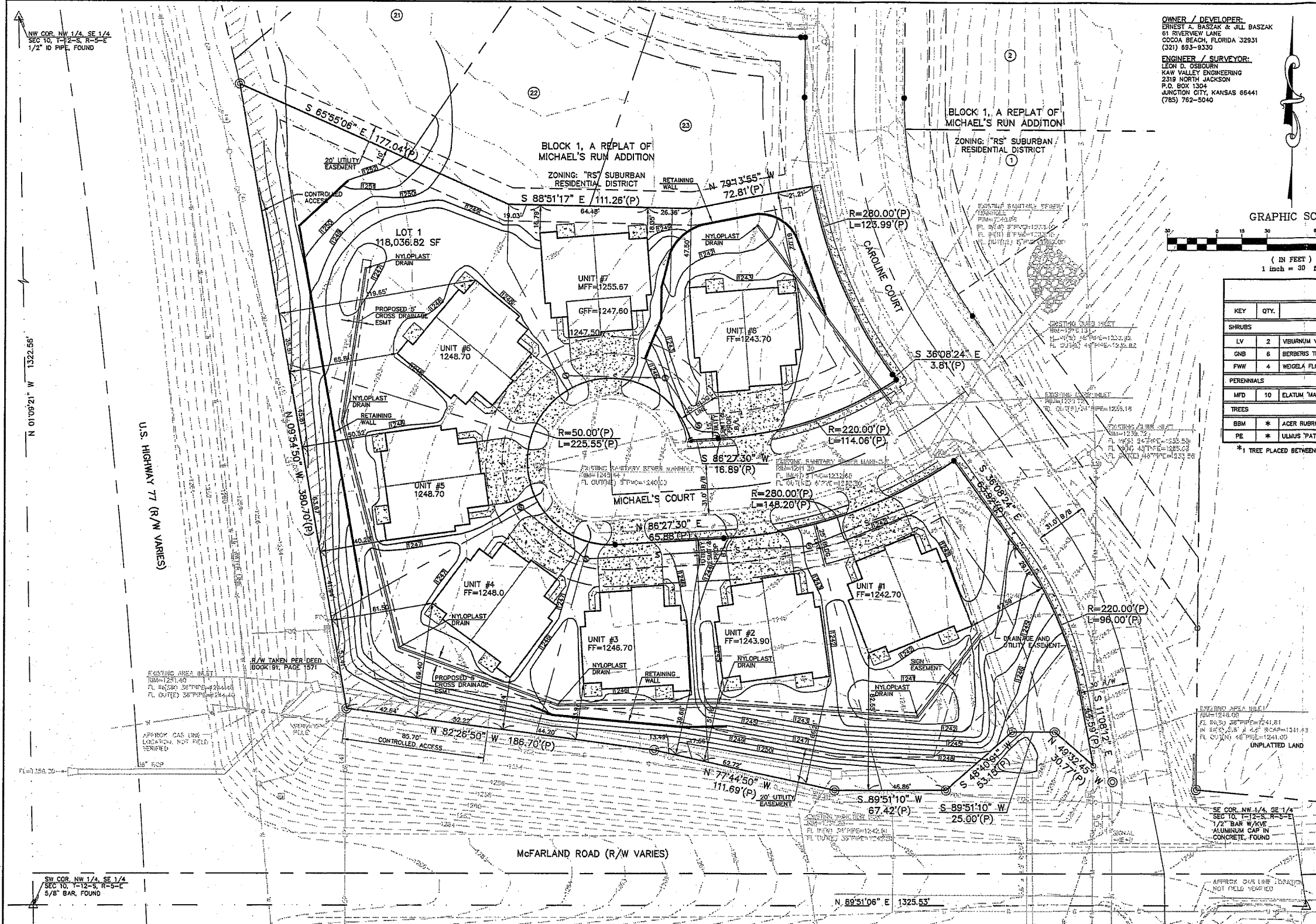
Section 3. This Ordinance shall be in full force and effect from and after its publication once in the Junction City Daily Union.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2010.

MICHAEL RHODES, MAYOR

ATTEST:

TYLER FICKEN, CITY CLERK



BENCHMARKS:
ALL BENCHMARKS REFERENCE TO NGVD 88 DATUM.

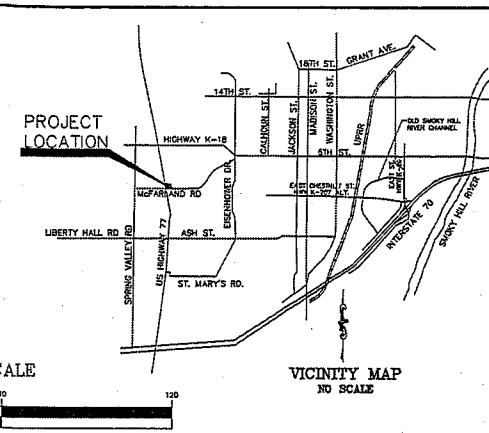
TBM #1: RAILROAD SPIKE SET IN 1ST POWER POLE WEST OF CENTERLINE OF CAROLINE AVENUE ON SOUTH R/W LINE OF McFARLAND ROAD. ELEV=1254.86

TBM #2: RAILROAD SPIKE SET IN 5TH POWER POLE NORTH OF McFARLAND ROAD ALONG EAST R/W OF US HIGHWAY 77. ELEV=1264.01

TBM #3: RAILROAD SPIKE SET 60' NORTHWEST OF 1/2" ID PIPE @ SECTION CORNER, 1ST POLE NORTH OF NORTHWEST CORNER OF PROPERTY ALONG EAST R/W OF US HIGHWAY 77. ELEV=1254.05

ZONING REQUIREMENTS		YARD REQUIREMENTS (MIN.)		MAX. LOT COVERAGE
EXISTING REQUIREMENTS (SERVICE COMMERCIAL RESTRICTED)	PROPOSED REQUIREMENTS (DUPLICATE RESIDENTIAL - PLANNED DEVELOPMENT)	FRONT	REAR	
CSR	RD-PDD	10,000	15'	50%

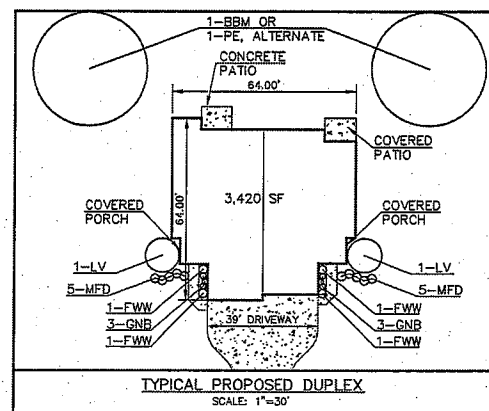
- EXISTING LEGEND:**
- SECTION CORNER FOUND, ORIGIN UNKNOWN UNLESS OTHERWISE NOTED
 - 1/2" BAR W/CLS 20 CAP FOUND IN CONCRETE
 - 1/2" BAR W/CLS 20 CAP FOUND
 - 1/2"x24" REBAR W/CLS 20 CAP SET
 - FIRE HYDRANT
 - WATER LINE GATE VALVE
 - DUAL WATER METER
 - WATER LINE
 - LIFT STATION
 - SANITARY SEWER MANHOLE
 - SANITARY SEWER LINE
 - FORCE MAIN
 - BURIED FIBER OPTIC CABLE
 - FIBER OPTIC CABLE SIGN
 - FIBER OPTIC CABLE PEDESTAL
 - STREET SIGN
 - GAS LINE
 - DEADMAN ANCHOR
 - UTILITY POLE
 - UTILITY POLE W/LIGHT
 - UTILITY POLE W/TRANSFORMER
 - UTILITY MANHOLE
 - TRAFFIC SIGNAL CONTROL BOX
 - OVERHEAD POWER LINE (6' OF LINES)
 - UNDERGROUND ELECTRIC LINE
 - TELEPHONE PEDESTAL
 - 1' CONTOUR INTERVALS
 - B/B BACK OF CURB TO BACK OF CURB
- PROPOSED LEGEND:**
- SANITARY SEWER MANHOLE
 - 8" SANITARY SEWER LINE
 - 4" CONCRETE SIDEWALK
 - B/L BUILDING SETBACK LINE
 - U/E UTILITY EASEMENT



PLANT SCHEDULE

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	
SHRUBS					
LV	2	VIBURNUM V. RHYTHOPHYLLUM LEATHERLEAF	LEATHERLEAF VIBURNUM	#5	CONT.
GNB	6	BERBERIS THUNBERGII 'MONLERS'	GOLDEN HUGGETT BARBERRY	#1	CONT.
FWW	4	WEIGELA FLORIDA 'FINE WINE'	FINE WINE WEIGELA	#1	CONT.
PERENNIALS					
MFD	10	ELATUM 'MAGIC FOUNTAINS'	MAGIC FOUNTAINS DELPHINIUM	#1	CONT.
TREES					
BBM	*	ACER RUBRUM 'BURGUNDY BELLE'	BURGUNDY BELLE MAPLE	#10	CONT.
PE	*	ULMUS 'PATRIOT'	PATRIOT ELM	#5	CONT.

*1 TREE PLACED BETWEEN DUPLEXES, ALTERNATING BETWEEN ELM AND MAPLE



ZONING:
EXISTING ZONE: CSR (SERVICE COMMERCIAL RESTRICTED DISTRICT)
PROPOSED ZONE: RD-PDD (DUPLICATE RESIDENTIAL PLANNED DEVELOPMENT)

SITE/BUILDING DATA:
TOTAL GROUND AREA: 118,036.82 SF
TOTAL BUILDING AREA: 27,351.28 SF
TOTAL PROPERTY LOT COVERAGE: 23.18% (PER REGULATIONS NOT TO EXCEED 45%)

FLOOD STATEMENT:
SUBJECT PROPERTY IS LOCATED IN "OTHER AREAS ZONE X" AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR GEARY COUNTY, KANSAS. COMMUNITY PANEL NUMBER 200579. DATES C. EFFECTIVE DATE FEBRUARY 4, 1988. "OTHER AREAS ZONE X" IS DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN".

NOTES:
1. ALL ON-SITE UTILITY EXTENSIONS TO BE PAID FOR BY THE DEVELOPER.
2. CROSS DRAINAGE EASEMENT IS FOR THE BENEFIT OF DEVELOPMENT AND WILL BE BY SEPARATE DOCUMENT.
3. MINIMUM LOT SIZE PROPOSED = 8,450 SF
4. TOTAL LOTS = 1

LEGAL DESCRIPTION:
LOT 24, BLOCK 1, A REPLAT OF MICHAEL'S RUN AN ADDITION TO JUNCTION CITY, KANSAS.

BASIS OF BEARINGS: IS N 89°18'18" E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER PER GROUND COORDINATES DERIVED FROM STATE PLANE COORDINATES, NAD83 KANSAS NORTH ZONE 1301 AS SHOWN ON THE FINAL REPLAT OF MICHAEL'S RUN AN ADDITION TO JUNCTION CITY, KANSAS.

FINAL DEVELOPMENT PLAN FOR
**A REPLAT OF LOT 24, BLOCK 1
MICHAEL'S RUN**
AN ADDITION
TO
JUNCTION CITY, KANSAS

MICHAEL'S RUN
U.S. HIGHWAY 77 & McFARLAND ROAD
JUNCTION CITY, KANSAS

FINAL SITE DEVELOPMENT PLAN

PROJ. NO. A10_5161
DATE: OCTOBER 28, 2010
DESIGNER: LDO
DRAWN BY: BJA/JT
CFN: FSDP/5161FSDP
SHEET: 1 OF 1

REV. DATE DESCRIPTION
1 11-17-10 REVISED MAX. LOT COVERAGE
0 11-15-10 INITIAL ISSUE

OWNER / DEVELOPER:
ERNEST A. BASZAK & JILL BASZAK
61 RIVERVIEW LANE
COCOA BEACH, FLORIDA 32931
(321) 893-9330

ENGINEER / SURVEYOR:
LEON D. DISBURN
KAW VALLEY ENGINEERING
2319 NORTH JACKSON
P.O. BOX 1304
JUNCTION CITY, KANSAS 66441
(785) 752-5040

KAW VALLEY ENGINEERING, INC. - CONSULTING ENGINEERS
Office: Junction City, Mo., Lawrence, Mo., Kansas City, Mo., Kansas